

# COMMITTEE ON SUBORDINATE LEGISLATION

(NINTH LOK SABHA)  
(1990-91)

## THIRD REPORT

*Presented on 4-1-1991*

[Action taken by Government on the recommendations contained in the 23rd Report of the Committee on Subordinate Legislation (Eighth Lok Sabha) regarding the Railway Protection Force Rules, 1987]

MINISTRY OF RAILWAYS



LOK SABHA SECRETARIAT  
NEW DELHI

*November, 1990/Agrahayana, 1912 (Saka)*

*Price :Rs. 14.00*

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CORRIGENDA TO THIRD REPORT OF THE COMMITTEE  
ON SUBORDINATE LEGISLATION (NINTH LOK SABHA)  
PRESENTED ON 4.1.1991.

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## CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
REPORT	
CHAPTER I Recommendations in respect of which replies of Government have not been accepted by the Committee.....	1
CHAPTER II Recommendations which the Committee do not desire to pursue in view of Government's replies.....	8
CHAPTER III Recommendations in respect of which final replies of Government are still awaited .....	11

### APPENDICES

I. Consolidated Statement of recommendations/ observations made by the Committee .....	15
II. Minutes of the Eighth and Twentieth sittings of the Committee (Ninth Lok Sabha).....	19

COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION  
(1990-91)

1. Shri G.M. Lodha — *Chairman*
2. Shri Chhavi Ram Argal
3. Shri H.K.L. Bhagat
4. Shri Prakash Koko Brahmhatt
5. Shri Mohanbhai Sanjibhai Dalkar
6. Shri Giridhar Gomango
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12. Shri Vijay Bhaskar Reddy
13. Shri Ebrahim Sulaiman Sait
- \*\*14. Shri N. Sundararaj
15. Shri Chhotey Singh Yadav

SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*  
Shri K.K. Sharma — *Director*  
Shri A. Tat — *Assistant Director*

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@ Nominated w.e.f. 25.9.1990 vice Shri M. Arunachalam resigned.

\* Nominated w.e.f. 16.7.1990 vice Shri Upendra Nath Verma resigned.

\*\* Nominated w.e.f. 8.8.1990 vice Shri Kalpnath Rai resigned.

## INTRODUCTION

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorised by the Committee to present the Report on their behalf, present this Third Report on Railway Protection Force Rules, 1987.

2. The matters covered by this Report were considered by the Committee at their sitting held on 9 July, 1990.

3. The Report was considered and adopted by the Committee at their sitting held on 30 November, 1990. The Minutes of the sittings relevant to the Report are appended to it.

4. For facility of reference and convenience, recommendations/observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Appendix I to the Report.

NEW DELHI;  
*November, 1990*

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*Agrahayana, 1912 (Saka)*

G. M. LODHA  
*Chairman,*  
*Committee on Subordinate Legislation.*

# REPORT

## CHAPTER I

### RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

#### *(i) Promotion to the Grade of Senior Security Officers in the Railway Protection Force*

After examining the Railway Protection Force Rules, 1987 regarding promotions to the grade of Senior Security Officers in RPF, the Committee on Subordinate Legislation had in paras 1.20 and 1.21 on their 23rd Report (Eighth Lok Sabha) made the following recommendation:

“The Committee note that in terms of Railway Protection Force Regulations, 1966, promotions to the grade of senior Security Officers were regulated in such a manner that 50% of the posts were reserved for departmental candidates and the rest of the 50% were filled by officers taken on deputation from the State Police or the Army. Under the revised rules, 1987, 80% of the posts of the Chief Security Commissioners are being reserved for being filled by deputation of officers from other services. This would mean that only 20% of the promotions to these posts will be from the permanent cadre of Railway Protection Force. The career prospects of the senior Officers borne on the permanent cadre of Railway Protection Force are thus adversely affected and to that extent the change in the rule could appear to be arbitrary and unreasonable.

It has been pleaded that in a situation when the members of the Force do not come within the range of eligibility for promotion to the senior positions, outsiders have to be inducted for filling up those posts. There could be no dispute on this point. But to make a provision in the rules that 80% of the posts in the senior positions would be filled in only by officers on deputation does not appear to be justified. The Committee are of the view that a provision which reserves only 20% of the posts to be filled by officers of the Force can only lead to stagnation and disaffection among senior officers for want of promotional avenues in their own cadre. The Committee, therefore, recommend that the rules may be amended suitably to provide that adequate opportunities for promotion to the higher posts are available to the members of the Force in the interest of maintaining their morale and high standard of efficiency. Only when suitable departmental officers are not available,

some posts might be filled up by taking officers on deputation from outside.”

2. In their action taken reply dated 21 December, 1989, the Ministry of Railways (Railway Board) stated as under:—

“In comparison to the previous Recruitment and Promotion Rules, Rule 54.2 provides for a higher percentage of deputation only in the category of Chief Security Commissioners, which consist at present of Inspectors General in 6 Railways and Dy. Inspectors General in 3 Railways. The rule further states that 50% of the posts in and above Selection Grade are to be filled by deputationists. Since there are no Selection Grade Posts, only the Dy. Inspectors General Posts would come in this category. According to the Recruitment and Promotion Rules of 1981, 50% of the posts of Dy. Inspectors General are to be filled by promotion and 50% by deputation. In the absence of eligible officers deputation could increase. Thus, there is no deviation from the previous position in the category of Dy. Inspectors General and below as compared to previous Rules. The present Rules had to take note of the changed character of the force as an Armed Force of the Union and therefore parity with other Forces like CRPF, BSF was necessary where 80% of the posts of Inspectors General are to be filled by deputation. According to the present eligibility standards in the Rules of 1981, no officer would be eligible for promotion to the rank of Inspector General before December, 1991 and thus there is no stagnation.”

3. The Committee are not convinced with the reply furnished by the Ministry and would like to reiterate their earlier recommendation that the rules should be amended suitably to provide adequate opportunities for promotion to the higher posts by reserving 50% of the posts to the eligible Departmental candidates of the Railway Protection Force as was the position earlier i.e. in the RPF Regulations which have since been repealed. However, in order to meet the situation where eligible candidates are not available in the department, an enabling provision may be made that in case eligible persons are not available in the department, the post meant for departmental candidates can be filled up by deputationists till the eligible candidates from the department become available.

(ii) *Right to Form Associations and Recognition of Associations of Superior Officers and Members of the Railway Protection Force.*

4. After examining the Railway Protection Force Rules, 1987 regarding right to form Associations and recognition of Associations of Superior Officers and members of the Railway Protection Force, the Committee on Subordinate Legislation had in para 1.29 of their 23rd Report (Eighth Lok Sabha) made the following recommendation:—

“The Committee note that Rules 33 and 34 of the Railway Protection Force Rules, 1959 provided for right to form associations of superior

officers and members of the Railway Protection Force. Under Rule 34 of the Railway Protection Force Rules, 1959, the authority competent to recognise associations the conditions for their recognition, the privileges of such recognised associations as also the procedure for withdrawal of such recognition were prescribed. In the new rules framed in 1987 no corresponding provisions have been made. In fact section 15A of the amended Railway Protection Force Act, 1985 has imposed a restriction on the formation of such associations without the previous sanction in writing of the prescribed authority. The Committee are of the view that this curb on the right of the officers and members of the force to form associations is not desirable. The Committee are also concerned to note that no guidelines have been laid down for the guidance of the prescribed authority for granting or refusing recognition to the associations formed by the members of the force. The Committee desire that suitable guidelines should be laid down in this behalf and the same may be incorporated in the rules for the information of all concerned."

5. The Ministry of Railways (Railway Board) in their action taken reply dated the December, 1989 stated as under:—

"It is correct that when the watch and ward department was reconstituted on statutory basis as Railway Protection Force in 1957, there was no provision in the RPF Act, 1957 about the right to form Association, etc. As such, Rule 33 and 34 were framed on the subject and provided in the RPF Rules, 1959. With the constitution of RPF as an armed force of the Union of 1985, a self-contained section 15A, as it exists in Section 13 of the Border Security Force Act, 1968 was incorporated in the RPF Act itself. Guidelines for sanctioning the recognition of Association etc. by the prescribed Authority defined under RPF Rule 115 could not be incorporated in the RPF Rules, 1987 as there is no corresponding provision in the rules of any other armed force of the Union. As and when a policy decision is taken by the Central Government on the subject, the same will be examined for incorporation in the RPF Rules, 1987. For the time being, the same is not considered necessary as a self-contained alternative provision for redressal of individual/collective grievances has been provided under Rules 109—112. The Staff Council constituted under Rule 111(3) is allowed to hold meeting with the Central Government (Minister incharge of Railways) under Rule 112.2."

6. The Committee note from the action taken reply furnished by the Ministry that the question of allowing RPF personnel to form associations and recognition thereof involves a policy decision by the Central Government as other armed forces of the Union are also concerned. Recognising the importance of the subject, the Committee desire that the matter



should be considered in all its aspects and an early decision is taken in the matter.

(iii) Power granted to an officer of the rank of Inspector to suspend junior member of the force.

7. Rule 133 of Railway Protection Force Rules, 1987 reads as under:—

*Suspension:—*

“133. The enrolled members of the Force who may be placed under suspension and the authorities by whom they may be so placed, shall be as specified in Schedule III.”

Provided that in exceptional circumstances, an Assistant Security Commissioner may place a sub-Inspector under suspension and an Inspector may place any member of and below the rank of under officer under suspension.

Provided further that where any action is taken under the foregoing proviso, the authority suspending an enrolled member of the Force shall forthwith report to the authority competent to place such enrolled member under suspension, the circumstances under which the order was made and obtain his approval and where approval is not granted, the suspension order shall become void and in-operative *ab-initio*.

Explanation: For the purposes of this rule, where an enrolled member of the Force is officiating in a higher post, he shall be placed under suspension only by the authority competent to place an enrolled member of the Force holding such officiating rank under suspension.”

8. After examining the above rule, the Committee on Subordinate Legislation had in paragraph 1.36 of their 23rd Report made the following recommendation:—

“The Committee are of the view that the power to suspend a junior member of the force granted to an officer of the rank of an Inspector under Rule 133 is unreasonable and liable to be misused to the disadvantage of RPF personnel. Further the safeguards against arbitrary use of such power provided in the provision to rule 133 are not adequate as no time limit has been laid down within which the authority competent to place such enrolled member under suspension, has to give its approval in case a suspension order has been made. The Committee desire that the rule may be suitably amended in the light of above observations.”

9. The Ministry of Railways in their action taken reply dated 21 December, 1989 stated as under:—

“An Officer of the rank of Inspector is a very important functionary

and is at the cutting edge between the field staff and the supervisory gazetted officers. That being so, his institution needs to be strengthened for enforcement and maintenance of discipline among the members placed under his command. The National Police Commission (1979-82) had accordingly recommended conferring on him the powers to place an under officer under suspension subject to approval by the Commandant. Accordingly, this has been provided. Besides, the RPF Rules 1987 have been made more specific in that provision to Rule 135 provides that the suspended member has to be furnished with charges on which he has been placed under suspension within a period of 30 days of suspension. Thus the period of suspension cannot exceed 30 days without the superior authority having examined the case as the Inspector is not competent to issue charge sheet. If any further safeguards are required, the same will be prescribed through Directives which are issued under Rule 28 for the enforcement and furtherance of the RPF Rules, 1957.”

10. The Committee are not convinced with reply furnished by the Ministry and are of the view that the power to suspend a member of the Force by an Officer of the rank of Inspector of the Railway Protection Force is an excessive delegation of power. Suspension is a severe action against employee and power to suspend an individual should be vested with a superior Officer. Moreover, the exceptional circumstances in which the Inspector may place a member of the force under suspension have not been specified and as such the power is likely to be misused to the disadvantage of RPF personnel.

The Committee, therefore, emphasise that suitable amendments be made in the rules vesting power of suspension of RPF personnel of and below the rank of Under Officer in a superior authority clearly laying down the circumstances under which suspension order can be issued by an officer other than an officer competent to do so.

*(iv) Members of The Railway Protection Force on Sick List.*

11. Rule 272 of the Railway Protection Force Rules, 1987 reads as under:—

#### **Members of the Force on Sick List**

“272. Notwithstanding anything contained in these rules, no members of the Force shall be taken on sick list by any Railway Medical Officer unless such member comes with a written reference known as ‘Sick Memo’ from his controlling Officer.

Provided that in case of any emergency, a member may be given necessary treatment but Railway Medical Certificate (RMC) shall issued only after receiving the Sick Memo.

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xx”

12. After examining the above rule, the Committee on Subordinate

Legislation had in paragraph 1.39 of their 23rd Report made the following recommendation:—

“The Committee feel that the rule as framed gives an impression that even if a member of the force is sick and the medical officer is satisfied about it, the medical officer would not be in a position to issue a ‘sick memo’ unless a written reference is received from the controlling officer. *Prima facie* this appears to be unreasonable and the authority given to the controlling officer appears to be arbitrary. The Committee desire that the restrictions placed on the powers of the Medical Officers in the matter of issue of ‘sick memo’ should be done away with and the rule should be suitably amended.”

13. The Ministry of Railways in their action taken reply dated 21 December, 1989 stated as under:—

“Rule 272 only puts restrictions on RPF personnel in obtaining a RMC, commonly known as SICK CERTIFICATE, for regularising his absence on medical ground without the knowledge of the Controlling Authority. It does not prevent members from availing medical treatment in any emergency as available to any other Railway servant. Such a reasonable restriction is in force in other armed forces to forestall any possibility of malingering and feigning of illness and to attend to the welfare of a member reporting sick and RPF cannot be an exception. Further, these provisions are based on the administrative instructions issued by the Medical Department of the Ministry of Railways.”

14. The Committee are not satisfied with the reply furnished by the Ministry and are of the view that obtaining a ‘sick Memo’ from the controlling Officer by the members of the Railway Protection Force for treatment except in any emergency may be an administrative convenience but it amounts to harassment to RPF personnel since it may not always be possible for them to obtain a ‘sick Memo’ first and then proceed to the Hospital/Dispensary for treatment. The Committee, therefore, would like to reiterate their earlier recommendation and urge upon the Ministry to do away with the restriction placed on the Medical officers in regard to the issue of ‘Sick memo’. It should however be incumbent on the part of the Members to intimate the controlling officer about the issue of ‘sick memo’ soon after it is issued.

(v) *Railway Protection Force Rules, 1987*

15. On examination of Railway Protection Force Rules, 1987, “highest grade”, “proper”, “reasonably”, “sufficient cause” and “reasonable cause” used in rule 23.2, 43(2) (xvii) 44 and 147 (vi) had not been clearly expressed and did not convey a precise meaning. The Committee in para 1.44 of their 23rd Report made the following recommendation:—

“The Committee cannot but emphasise that the language used in the Rules should be clear and unambiguous. The construction should be

such as to leave no scope of its being interpreted differently by different persons. The Committee, therefore, recommend that the use of expressions and words referred to above may be avoided as far as possible."

16. The Ministry of Railways in their action taken reply dated 21 December, 1989 stated as under:—

"There is a provision for issue of directives under Rule 28 for the enforcement and furtherance of the provisions of the RPF Act and RPF Rules, 1987. RPF Rules, 1987 are in existence for the last two years and no ambiguity has been noticed so far. With the passage of time if any ambiguity is experienced/noticed in respect of interpretation of any rule, the same will be considered and clarified through RPF Directives."

17. The Committee are not satisfied with the explanation advanced by the Ministry and would like to reiterate their earlier recommendation emphasising that the terms like 'highest grade', 'properly', 'reasonably', 'sufficient cause' and 'reasonable cause' used in the Railway Protection Force Rules be clearly specified to avoid any scope of ambiguity and obviate the possibility of its being interpreted differently by different persons.

## CHAPTER II

### RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT'S REPLIES

#### *(i) Recommendation vide paragraph No. 1.9 of 23rd Report*

The Committee find that pursuant to Railway Protection Force (Amendment) Act, 1985, the Railway Protection Force has been declared as an 'armed force' of the Union. The Railway Protection Force Rules, 1959 and the Railway Protection Force Regulations, 1966 have been repealed and a new set of rules called Railway Protection Force Rules, 1987 have been enforced with effect from 30 December, 1987. In the absence of a provision in the relevant Act the draft Rules, 1987 were not published for inviting suggestions and objections from the affected interests and only final rules were notified in the Gazette on 3rd December, 1987. The Committee consider that since the rules were framed after a basic change was made in the character of the force in the relevant Act and involved changes of fundamental nature in the service conditions of the officers and members of the RPF, it was only appropriate that they should have been published first in the draft form for inviting suggestions and objections. It is regrettable that this was not done. The Committee are of the view that in such cases the draft rules should in future be invariably published in draft form and finalised only after inviting suggestions and objections from the affected interests.

#### **Reply of the Government**

The RPF Rules, 1987 were made in conformity with the powers delegated and the guidelines prescribed by the Parliament under Section 21 of the RPF Act. Section 21(3) of the modified Act provides that each rule made under this section shall be laid before Parliament, but there is no mention or direction in the RPF Act for publishing them in the draft form for inviting suggestions from the affected interests before making them. Besides the RPF Rules, 1987 were prepared by a Committee comprising of the officers and other ranks of the RPF, who were all well versed with their service conditions and requirements of an armed force of the Union. Draft provisions were thereafter scrutinised by independent institutions like the Legal Adviser to the Ministry of Railways and the Legislative Department of the Ministry of Law and Justice.

The Rules are framed for the functioning of the Force and its administration only and interest of general public is not involved. Government frames rules under Article 309 of the Constitution to regulate the service conditions of its employees and they are also not circulated. We

feel that this suggestion would make change difficult, as once draft is circulated vested interests could always obtain stays from Courts and thereby impede even desirable changes.

[Ministry of Railways (Railway Board)  
O.M. No. 89/Sec (Spl)/6/10 dated 21.12.89]

*(ii) Recommendations Vide Paragraphs 1.32 and 1.33 of The Twnty Third Report*

The Committee find that while framing Railway Protection Force Rules, 1987, several provisions contained in Railway Protection Force Rules, 1959 have been changed or modified apparently without justification. One glaring case that has come to the notice of the Committee is the changes made in the requirement regarding educational qualifications and age of recruitment of sub-Inspectors and Rakshaks. In the case of Sub-Inspectors, the minimum educational qualification has been raised from 'Intermediate Examination' to a 'Bachelor's degree'. Similarly, the educational qualification required for the post of a Rakshak has been raised to the standard of High School Examination instead of "ability to read and write", which was prescribed earlier under old rules. Similar changes have been made in age requirement for different categories of posts. In justification for these changes it has been stated that the National Police Commission and the Fourth Pay Commission had recommended enhancement of educational qualifications etc.

The Committee feel that while making these changes the realities of the situation or ground have been ignored. With the level of literacy being what it is, the requirement of a matriculation certificate for the post of Rakshak appears to be totally unjustified. It can only debar persons belonging to poorer and weaker sections of the Society from seeking entry into force. The Committee recommend that the educational qualifications for Rakshaks and Sub-Inspectors as laid down in the 1959 Rules should be restored and in-service facilities may be provided to enable the new recruits to acquire the requisite educational standards alongwith other training.

**Reply of the Government**

Educational qualifications for Rakshaks and Sub-Inspectors were prescribed in 1959 on re-organisation of Watch and Ward Department in RPF keeping realities of the situation then on the ground. During the last 30 years, the spread of literacy and duties and function of the members of the RPF have undergone a sea-change. Both the Sub-Inspectors and the Rakshaks (Constables) are now required to deal with law enforcement and have to be trained in IPC, Cr. PC, Indian Railway Act and the

Commercial working of the Railways. The Railway Reforms Committee (June 1983) and the National Police Commission (1978—82), the IV Pay Commission etc. have all recommended that graduation for Sub-Inspector and matriculation for Constables be made compulsory. Hence the necessity for a change.

1.33 Incidentally, it may be submitted that even after enhancement of educational qualifications, the availability of applicants possessing the enhanced qualification vis-a-vis vacancies advertised is 70:1 for example the following figures of recruitment on Western Railway for Constable will show:

	1988	1989
(i) No. of vacancies notified	512	200
(ii) No. of applications received with requisite qualifications.	11482	15046

From the above it would be seen that there is no dearth of Candidates even after the increase in the educational qualifications.

[Ministry of Railways (Railway Board) O.M. No. 89/Sec (Spl)/6/10 dated 21.12.89]

*(iii) Recommendation Vide Paragraph 1.43 of The Twenty Third Report*

The Committee note that the Ministry of Railways are quite conscious of the problems of Legislation by reference. But still no effort has been made to avoid this and the expression 'Extant Railway Rules' occurs in several places in the Railway Protection Force Rules, 1987. The reason given for not reproducing the relevant Railway Rules wherever necessary, is that the Railway Rules may have to be changed from time to time and this may require a corresponding amendment in the RPF Rules. This is hardly convincing and the Committee feel that the relevant Railway Rule should be suitably incorporated in the RPF Rules and the RPF Rules made self-contained so that they are more informative and useful.

**Reply of the Government**

All efforts were made to define the words used in any special context in the RPF Rules, 1987 and to make the rules as self-contained as possible. The "Extant Railway Rules" are voluminous in themselves and it is not possible to reproduce them in the RPF Rules, 1987. Further 'Railway Rules' are themselves subject to modification.

[Ministry of Railways (Railway Board) O.M. No. 89/Sec (Spl)/6/10 dated 21.12.89]

### CHAPTER III

#### RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF GOVERNMENT ARE STILL AWAITED

##### **Recommendation *vide* para 1.10 of the Twenty-third Report**

The Committee have been informed that the Rules have been challenged in the High Court of Calcutta. The Committee would like to be apprised of the outcome in due course.

##### **Reply of the Government**

*Noted.* The writ petition is still pending disposal in the High Court at Calcutta and its outcome will be apprised to the Committee in due course.

[Ministry of Railways (Railway Board) O.M. No. 89/Sec (Spl)/6/10  
dated 21.12.89]

NEW DELHI;  
November, 1990

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*Agrahayana, 1912 (Saka)*

G.M. LODHA  
*Chairman,*  
*Committee on Subordinate Legislation.*



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# APPENDICES

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## APPENDIX I

(vide paragraph 4 of the Report)

### *Consolidated statement of recommendations/observations made by the Committee*

Sl.No.	Para	Recommendations/observations
1	2	3
1.	3	The Committee are not convinced with the reply furnished by the Ministry and would like to reiterate their earlier recommendation that the rules should be amended suitably to provide adequate opportunities for promotion to the higher posts by reserving 50% of the posts to the eligible Departmental candidates of the Railway Protection Force as was the position earlier <i>i.e.</i> in the RPF Regulations which have since been repealed. However, in order to meet the situation where eligible candidates are not available in the department, an enabling provision may be made that in case eligible persons are not available in the department, the post meant for departmental candidates can be filled up by deputationists till the eligible candidates from the department become available.
2.	6	The Committee note from the action taken reply furnished by the Ministry that the question of allowing RPF personnel to form associations and recognition thereof involves a policy decision by the Central Government as other armed forces of the Union are also concerned. Recognising the importance of the subject, the Committee desire that the matter should be considered in all its aspects and an early decision is taken in the matter.
3.	10	The Committee are not convinced with the reply furnished by the Ministry and are of the view that the power to suspend a member of the Force by an Officer of the rank of Inspector of the Railway Protection Force is an excessive delegation of power. Suspension is a severe action against employee and power to suspend an individual should be vested with a superior Officer. Moreover, the exceptional circumstances in which the Inspector may place a member of the force under suspension have not

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been specified and as such the power is likely to be misused to the disadvantage of RPF personnel.

The Committee, therefore, emphasis that suitable amendments be made in the rules vesting power of suspension of RPF personnel of and below the rank of Under Officer in a superior authority clearly laying down the circumstances under which suspension order can be issued by an officer other than an officer competent to do so.

4.

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The Committee are not satisfied with the reply furnished by the Ministry and are of the view that obtaining a 'sick Memo' from the controlling Officer by the members of the Railway Protection Force for treatment except in any emergency may be an administrative convenience but it amounts to harassment to RPF personnel since it may not always be possible for them to obtain a 'sick Memo' first and then proceed to the Hospital/Dispensary for treatment. The Committee, therefore, would like to reiterate their earlier recommendation and urge upon the Ministry to do away with the restriction placed on the Medical officers in regard to the issue of 'Sick memo'. It should however be incombant on the part of the Members to intimate the controlling officer about the issue of 'sick Memo' soon after it is issued.

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The Committee are not satisfied with the explanation advanced by the Ministry and would like to reiterate their earlier recommendation emphasising that the terms like 'highest grade', 'properly', 'reasonably', 'sufficient cause' and 'reasonable cause' used in the Railway Protection Force Rules be clearly specified to avoid any scope of ambiguity and obviate the possibility of its being interpreted differently by different persons.

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**M I N U T E S**

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VIII

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (NINTH LOK SABHA)  
(1990-91)

The Committee met on Monday, 9 July, 1990 from 15.15 to 15.45 hours.

PRESENT

Shri Vijaya Bhaskar Reddy — *In the Chair*

MEMBERS

2. Shri Chhavi Ram Argal
3. Shri M. Arunachalam
4. Shri Prakash Koko Brahmhatt
5. Shri Giridhar Gomango
6. Shri Syed Masudal Hossain
7. Shri Chhotéy Singh Yadav

SECRETARIAT

1. Shri K.C. Rastogi — *Joint Secretary*
2. Shri Swarn Singh — *Under Secretary*

2. In the absence of the Chairman, another member — Shri Vijaya Bhaskar Reddy, M.P. was chosen by the Committee to act as Chairman for the sitting in terms of the provisions of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

2. The Committee then considered Memoranda Nos. 28 to 36 on the following subjects:—

- (i) *Implementation of recommendations contained in paragraphs 1.9 of 23rd Report of the Committee on Subordinate Legislation regarding publication of Railway Protection Force Rules, 1987 in draft form for inviting suggestions and objections from affected interests (Memorandum No. 28)*

The Committee while agreeing with the view point of the Ministry that under Article 309 of the Constitution, Government were empowered to regulate the service conditions of the employees and that there was no statutory requirement under the RPF Act for publishing the RPF Rules in the draft form with a view to inviting suggestions and objections from the affected interests, decided that the matter might not be pursued further.

- (ii) *Implementation of recommendations contained in paragraph 1.20 of 23rd Report of Committee on Subordinate Legislation regarding promotions to the grade of Senior Security Officers in the Railway Protection Force (Memorandum No. 29)*
- (iii) *Implementation of recommendations contained in paragraph 1.21 of the 23rd Report of the Committee on Subordinate Legislation regarding eligibility for promotion to the senior position in the Railway Protection Force. (Memorandum No. 30)*

The Committee considered both the above Memoranda together at some length on the basis of the facts supplied by the Ministry in their action taken reply and decided to reiterate their earlier recommendation that the rules should be amended suitably to provide adequate opportunities for promotion to the higher posts by reserving 50% of the posts to the eligible Departmental candidates of the Railway Protection Force.

- (iv) *Implementation of recommendation contained in paragraph 1.29 of the 23rd Report of the Committee on Subordinate Legislation regarding right to form Associations and recognition of associations of superior officers and members of the Railway Protection Force (Memorandum No. 31)*

The Committee considered the reply furnished by the Ministry and noted that the question of allowing R.P.F. personnel to form Associations and recognition thereof involved policy decision by the Central Government as other armed forces of the Union were also concerned. The Committee were of the view that the Ministry be asked to consider the matter in all its aspects and take an early decision.

- (v) *Implementation of recommendations contained in paragraphs 1.32 and 1.33 of 23rd Report of the Committee on Subordinate Legislation regarding educational qualifications for Rakshaks and Sub-Inspectors in the Railway Protection Force (Memorandum No. 32)*

The Committee noted from the reply furnished by the Ministry that all the changes in Rules regarding age of qualifications for the posts of Rakshaks and Sub-Inspectors had been made after taking note of recommendations of the Railway Reforms Committee (1983), the National Police Commission (1982) and the Central Fourth Pay Commission. The Committee decided not to pursue the matter further in the light of the Ministry's reply.

- (vi) *Implementation of recommendations contained in paragraph 1.36 of 23rd Report of the Committee on Subordinate Legislation regarding power to suspend junior member of the Force granted to an Officer of the rank of Inspector (Memorandum No. 33)*

The Committee were not convinced with the reply furnished by the Ministry and were of the view that the power to suspend a member of the Force by an officer of the rank of Inspector of the RPF was an

extraordinary provision and amounted to excessive delegation of power. Since the exceptional circumstances in which an Inspector may place a member of the Force under suspension as mentioned in first proviso to Rule 133, had not been specified, the power was likely to be misused to the disadvantage of R.P.F. Personnel. The Committee, therefore, emphasised that suitable amendments be made in the rules vesting power of suspension of R.P.F. personnel below the rank of Under Officer in a superior authority.

*(vii) Implementation of recommendations contained in para 1.39 of 23rd Report of the Committee on Subordinate Legislation regarding members of the Force on sick list (Memorandum No. 34)*

The Committee were not satisfied with the action taken reply furnished by the Ministry and expressed the opinion that obtaining a 'sick memo' from the Controlling Officer by the Members of the R.P.F. might be an administrative convenience but it was not always possible for a member of the R.P.F. to obtain a 'sick memo' first and then proceed to the Hospital or a dispensary for treatment. The Committee felt that the restrictions placed on the powers of the Medical Officers in the matter of issue of 'sick memo' was not desirable. The Committee, therefore, decided to reiterate their earlier recommendation and desired the Ministry to reconsider the matter and stop the issue of 'sick memo' forthwith by amending the rules accordingly.

*(viii) Implementation of recommendations contained in paragraph 1.43 of 23rd Report of the Committee on Subordinate Legislation regarding Railway Protection Force Rules, 1987 (Memorandum No. 35)*

The Committee agreed with the view point of the Ministry that the extent Railway Rules were voluminous in themselves and it was not possible to reproduce them in the R.P.F. Rules. Further, the Railway Rules themselves were subject to modification from time to time. Hence the Committee decided not to pursue the matter further.

*(ix) Implementation of recommendations contained in paragraph 1.44 of 23rd Report of the Committee on Subordinate Legislation regarding Railway Protection Force Rules, 1987 (Memorandum No. 36)*

The Committee were not satisfied with the explanation advanced by the Ministry and decided to reiterate their earlier recommendation emphasising that terms like 'highest grade', 'properly', 'reasonably', 'sufficient cause' and 'reasonable cause' used in the Railway Protection Force Rules be clearly specified to avoid any scope of ambiguity and obviate the possibility of its being interpreted differently by different persons.

*The Committee then adjourned to meet again on 10 July, 1990.*

XX

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE  
ON SUBORDINATE LEGISLATION (NINTH LOK SABHA,  
(1990-91)

The Committee met on Friday, 30 November, 1990 from 11.00 to 11.00 hours.

PRESENT

Shri G.M. Lodha — *Chairman*

MEMBERS

2. Shri Chhavi Ram Argal
3. Shri Prakash Koko Brahmhatt
4. Shri Syed Masudal Hossain
5. Shri A. Jayamohan
6. Shri Balgopal Mishra
7. Shri Chhotey Singh Yadav

SECRETARIAT

1. Shri K.K. Sharma — *Director*
2. Shri A. Tat — *Assistant Director*
3. Shri Ram Kumar — *Assistant Director*

2. The Committee considered the Draft Third Report. In this connection the Committee observed that their earlier decision reflected in the Minutes dated 9 July, 1990 to reiterate the recommendation made in para 1.44 of their Twenty-third Report may stand, and authorised the Chairman to make suitable amendment in the draft. The Committee then adopted the Draft Third Report as amended.

3. The Committee authorised the Chairman and in his absence, Shri Chhavi Ram Argal, M.P. to present the Report to the House.

4. The Committee also decided to undertake a Study Tour in December, 1990.

*The Committee then adjourned.*

