

SOUTH CENTRAL RAILWAY

Office of the IG-PCSC/RPF/SCR,
Security Department,
Secunderabad.

No. X.102/UI/PS-2/2018

Date: 23.11.2018

Dy.CVO/Traffic
Rail Nilayam,
Secunderabad.

Sub:- System improvements to stream line the process of claim cases
under section 124-A - Reg

Ref: - Dy.CVO/Traffic/SC Lr. No. G.265/V/System Improvement
dt: 15.10.2018

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With reference to your letter cited above regarding system improvement to stream line the process of claim cases under section 124-A, it is to inform that the subject letter is circulated to all the divisions for strict implementation on points pertaining to Investigation of RPF.

In order to maintain uniformity in conducting investigation into claims cases by RPF, a 'Joint Procedure Order' is prepared at the divisional level for effective co-ordination among different branches. Some judgments given by the tribunals received from the vigilance branch were circulated to all the Posts/Outpost in-charges for effective use while investigating claims cases. Call Data Record (CDR) details are also obtained by RPF wherever necessary.

Further, a seminar was also organized at Hyderabad Division on 03.11.2018 under the supervision of Dy.CCO/Claims/SC which was attended by officers & supervisory staff of Security, Operating, Mechanical & Engineering Branches regarding roles and responsibilities of each branch.

Heer rebeep
[M.CHENCHAIHAH] 23/11/18
ASC/PS

for PRINCIPAL CHIEF SECURITY COMMISSIONER/RPF/SCR

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दक्षिण मध्य रेलवे SOUTH CENTRAL RAILWAY

महाप्रबंधक के कार्यालय General Manager's Office,

सतर्कता शाखा Vigilance Branch,

सिकंदराबाद Secunderabad

तारीख Date: 15th Oct 2018

No.G.265/ V/System Improvement

PCCM, PCOM, PCSC & PCEE.

Sub : System improvements to stream line the process of claim cases
Under section 124-A

As we are aware that in many claim cases u/s 124 A, Railways is losing the cases. It is pertinent to mention that the Hon'ble Courts, in some cases have passed important judgments as follows.

- i) Hon'ble RCT/ NGP in case No. OA(II)U/ NGP/2014/0079 observed that Investigating Officer of RPF did not conduct proper investigation into the matter, completely overlooking the facts and available record and are to be investigated within 60 days as per rules.
- ii) The Hon'ble High Court of Delhi's order dated 02/08/2017 in FA No. 22/2015 between Geeta Devi Vs Union of India sought to stream line the process of settlement of claims for compensation cases arising due to accident/ untoward incident.

In this backdrop after going through many cases by Vigilance, the following observations/ suggestions are given for the system improvement so that we can effectively fight the cases in the Hon'ble Railway Claims Tribunal as under:

Role of Drivers/ Guards:

- 1) That the Combined Crew Booking Lobby the KIOSKS are placed for sign on/off of Drivers/ Guards, it is interlinked to the CMS Module. In this there is no separate provision to report untoward incident. It is suggested that if it is reported in the abnormalities, then it should be linked/reported to the concerned department

(Security) in the form of e-mail/ sms as it is done with other abnormalities like signal defects, track defect etc., wherein, all crew information will be readily available through a common data platform and all concerned office can be synchronized, which will assist the Investigating Agencies.

- 2) Normally, the details of unusual occurrence are recorded in the Combined Train Report which should be properly preserved and kept as records and furnished to the investigating agencies/ Courts as and when summoned.

Role of Station Superintendent :

- 3) On receipt of information the SS shall forward the report in FORM-1 to the DSC, whereas it is not generated immediately and presently done only on reporting of claim case.

Investigation of RPF :

- 4) On receipt of information the RPF is attending the spot along with GRP and preparing Joint Observation Report as a good practice. It is observed that there is no uniformity found over the zone. This may be opted uniformly over the zone.
 - The Investigation Officer (IO) to ensure Sketch /Scene of offence is prepared with clear KM marking distance from the track and mark important things, if any relevant to the case.
 - IO to ensure photographs/ Video of the deceased taken at the spot of incident and it is suggested to go for geo tag photos for evidence purpose.
 - IO to explore collecting the Call Detail Record (CDR) as per the circumstances mentioned in the case, so as to make use of CDR to corroborate the evidence.
- 5) It is observed that a detailed investigation is conducted by RPF only on receipt of Claim docket for investigation report. In this regard precious time is lost in gathering the crucial evidence and RPF is unable to file quality report.

- 6) In this aspect on receipt of information invariable the RPF should obtain the FIR, Inquest report, PME Report & Jama Talasi the requisite documents of such incidents and maintain dockets/ data base, which will be connected/ linked subsequently to the claim, if any lodged by the claimant.
- 7) The contentions made in the original applications are not looked into and investigation is conducted in routine manner by just examining the statement of Loco Pilots, Guards and to explore the possibility of examination of additional witness/es relevant to the case as the proviso of rules mandates.
- 8) Investigating officers are obtaining the mandatory FORM-1 from the SS/SM after time gap only on receipt of claim docket, which is highly irregular.
- 9) FORM-II is incomplete and columns are not ensured properly by the IO.
- 10) Even though mandate for collection of any other evidence, RPF is not collecting the final report/ charge sheets, if any filed by the GRP and which may throw the factual position of the incident and assist in finalizing the case.
- 11) Investigation lacks the opinion of the technical experts like jerk and jolt of the train to obtain the log books, relevant records documentary evidence to suggest that no such events recorded which may strengthen the case.
- 12) Compilation of data of the untoward incidents to be maintained at Headquarter / Divisional office, which may enable to monitor the cases over the zone may be connected as and when claims are reported.
- 13) Proper analysis of the untoward incidents to be made by Divisional Security Office so as to identify the grey spots and take remedial measures.
- 14) To conduct regular training program of the Post/ OP IO's and concerned staff so as to update the investigating skills and not to commit mistakes which has bearing on the case.

Action of DRM's:

- 15) Investigation Report should be put to scrutiny to the satisfaction of the Competent authority that it stands the test of trial, if not the said reports to be sent back to the officer of the Force along with relevant observations for further & proper investigation.
- 16) A technical person with investigating/ legal background skills may be nominated to evaluate the cases on merits and send to the RPF department for proper investigation so as to stand the trial of the court.

Role of CCO office:

- 17) The CCO office needs to monitor the untoward incidents as and when reported in the zone. In this regard a mechanism may be put in place so as to properly convey and connect the reported untoward incidents with the lodged claims.
- 18) Earlier, the Claims Inspector available in the section was ascertaining the presence of ticket and bonafides of the deceased person and presently this practice is been dispensed which may be reintroduced.
- 19) There is delay in sending Original Application filed by the applicant in the RCT to the concerned Sr.DSCs/DSCs. It is suggested to explore the possibility of curtailing the time delay by uploading the requisite documents on line by CCO Office linking with RPF Security Management System (RSMS) for further process.
- 20) The final orders need to be communicated to the field unit which may enable them to look into the lacunae and take corrective line of investigation.

This has the approval of SDGM.

Action taken in this regard may please be intimated to this office.

एस. रमेश बाबू / **S.RAMESH BABU**

उप मुख्य सतर्कता अधिकारी / यातायात/ सिकंदराबाद
Dy. Chief Vigilance Officer/Traffic/SC

Copy to All DRMs/ SCRLy for necessary appropriate action. %

A handwritten signature in blue ink is written over a purple circular stamp. The stamp contains the text 'RAMESH' and '15/12/18'.