

# **The Delhi Metro Railway (Notices of Accidents and Inquiries Thereto) Rules, 2002**

DELHI

India

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### **Rule**

### **THE-DELHI-METRO-RAILWAY-NOTICES-OF-ACCIDENTS-AND-INQUIRIES-OF 2002**

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The Delhi Metro Railway (Notices of Accidents and Inquiries Thereto) Rules, 2002 Published vide Notification No. G.S.R. 818 (E), dated 10th December, 2002, Gazette of India, Extraordinary, Part 2, Section 3(1) dated 11.12.2002 (w.e.f. 11.12.2002) G.S.R. 818 (E), dated 10th December, 2002. - In exercise of the powers conferred by Section 47 of the Delhi Metro Railway (Operation and Maintenance) Ordinance, 2002 (Order 7 of 2002, the Central Government hereby makes the following rules, namely:-

#### **1. Short title and commencement.**

(1) These rules may be called the Delhi Metro Railway (Notices of Accidents and Inquiries thereto) Rules, 2002. (2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions.**

(1) In these rules, unless the context otherwise requires- , (a) "Commissioner" means the Commissioner of Metro Railway Safety appointed under Section 7 of the Ordinance ; (b) "Chief Executive Officer" means the Chief Executive Officer of Delhi metro railway in-charge of working of the metro railway ; (c) "Form" means the Form appended to these rules ; (d) "metro railway" means rail-guided mass rapid transit system having dedicated right-of-way, with steel wheel or rubber-tyred wheel coaches, but excluding tramways, for carriage of passengers, and includes, - (i) all land within the boundary marks indicating the limits of the land appurtenant to a metro railway ; (ii) all rails tracks, sidings, yards or branches worked over for the purposes of, or in connection with,

a metro railway.(iii)all Stations offices, ventilation shafts and ducts, warehouses, workshops, manufactories, fixed plants and machineries, sheds, depots and other works constructed for the purpose of, or in connection with a metro railway ;(e)"metro railway administration" in relation to,-(i)a Government metro railway means the General Manager of that railway, or(ii)a non-Government metro railway means the person who is the owner of lessee or that metro railway or the person working that metro railway under an agreement with the owner of lessee of that metro railway ;(f)"Ordinance" means [Delhi Metro Railway (Operation and Maintenance) Ordinance, 2002 (Ordinance 7 of 2002).] [Now see the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (Act 60 of 2002).](2)All other words and expressions used herein and not defined but defined in the Ordinance and the Metro Railway (Construction of Works) Act, 1978 (33 of 1978), shall have the meaning respectively, assigned to them in the Ordinance and in that Act.

### **3. Particulars to be given in the notices.**

(1)Where, in the course of working a metro railway,-(a)any accident attended with loss of any human life, or with grievous hurt, as defined in the Indian Penal Code ; or(b)any collision between trains ; or(c)the derailment of any train carrying passengers, or of any part of such train; or(d)any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid ; or(e)any accident of any other description which the Central Government may notify in this behalf in the Official Gazette, occurs, the metro railway official in charge of the section of the metro railway on which the accident occurs, shall, without delay, give notice of the accident in the format and containing the particulars as given in Form I to the Deputy Commissioner and the Deputy Commissioner, of Police, within whose jurisdiction the accident occurs, the officer in charge of the police station within the local limits of which the accident occurs and to such other Magistrate or police officer as may be appointed in this behalf by the Central Government.(2)The metro railway administration, within whose jurisdiction the accident occurs, shall, without delay, give notice of the accident to the Government of National Capital Territory of Delhi and the Commissioner having jurisdiction over the place of the accident.

### **4. Mode of sending notices.**

- The notices of accident under Section 38 of the Ordinance shall be sent, without delay, by Delhi metro railway administration by telefax, or telephone, or through a special messenger, or such other means as may be available.

### **5. Facility for reaching the site of the accident.**

- Whenever any accident has occurred in the course of working the Delhi metro railway, the Chief Executive Officer shall give all reasonable aid to the Deputy Commissioner or the Magistrate appointed or deputed under Section 38 of the Ordinance, or to the Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 (60 of 1952), or any other authority to whom all or any of the provisions of the said Commission of Inquiry Act have been made applicable, and to the Commissioner, medical officers, the police and others concerned to enable them to reach the site of the accident promptly, and shall also assist those authorities in making inquiries and in obtaining

evidence as to the cause of the accident.

## **6. Attendance of metro railway employees at the place of inquiries conducted by Commissioner or a Magistrate.**

- When an inquiry by the Commissioner under Rule 7, is being made, the Chief Executive Officer shall arrange for the attendance, as long as may be necessary, at the place of inquiry, of any metro railway employee whose evidence is likely to be required at such inquiry and the Chief Executive Officer shall also-(a)cause notice of the date, hour and place at which the inquiry shall begin to be given to the officers mentioned in Clauses (b), (c) and (d) of sub-rule (1) of Rule 10; and(b)arrange for the attendance of Delhi metro railway employees, if required at witness at the inquiry.

## **7. Procedure for inquiry into accident by the Commissioner and report thereon under Section 43 of the Ordinance.**

(1)On receipt of notice under sub-section (2) of Section 38 of the Ordinance of the occurrence of an accident resulting in loss of human life or grievous hurt causing total or partial disablement of permanent nature to a passenger, the Commissioner shall, as soon as may be, notify the Chief Executive Officer of his intention to hold an inquiry and shall, at the same time, fix and communicate the date, time and place of the inquiry.(2)The Commissioner shall, while conducting an inquiry under Chapter VIII of the Ordinance, inform or cause to inform the Chief Secretary of the Government of National Capital Territory of Delhi, the Deputy Commissioner and the Deputy Commissioner of Police of the district concerned.(3)The Deputy Commissioner or Deputy Commissioner of Police, as the case may be, shall, as far as possible attend the inquiry conducted by the Commissioner personally or depute some other officer to represent him at the inquiry.(4)On completion of an inquiry in respect of any of the accidents, collisions or derailments, as the case may be, referred to in sub-rule (1), the Commissioner shall submit a brief preliminary narrative report of the Chief Executive Officer and such report shall be factual and shall not contain any reference to persons implicated.(5)The preliminary narrative report of the inquiry by the Commissioner shall be followed by a detailed report to the Chief Executive Officer. Such detailed report shall be confidential and shall contain particulars as specified in sub-rule (1) of Rule 11.(6)The Commissioner shall forward copies of his report to :(i)The Ministry of Urban Development and Poverty Alleviation ;(ii)The Government of National Capital Territory of Delhi; and(iii)The Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, if the Commissioner finds that the accident was caused by sabotage or train wrecking.(7)Recommendations in regard to the publication of the report shall be made by the Commissioner and the Ministry of Urban Development and Poverty Alleviation informed accordingly. In case the Ministry or Urban Development and Poverty Alleviation has reservations on the recommendations of the Commissioner, the matter shall be finally decided by the Central Government (the Ministry of Civil Aviation).

## **8. Inquiry into accidents by metro railway administration under Section 40 of the Ordinance.**

(1) If for any reason, the Commissioner is unable to hold an inquiry into an accident covered under Section 38 of the Ordinance at an early date after the occurrence of such an accident, he shall notify to the Chief Executive Officer the reason why the inquiry cannot be held by him. (2) When no such inquiry is held by the Commissioner under sub-section (1) of Section 39 of the Ordinance or where the Commissioner has informed the metro railway administration under sub-section (2) of that section of the Ordinance that he is not able to hold an inquiry, the Chief Executive Officer shall cause an inquiry to be made in accordance with the procedure specified in sub-rule (1) of Rule 11.

## **9. Procedure for inquiry by the metro railway administration.**

- On receipt of information under sub-section (2) of Section 39 of the Ordinance, the Chief Executive Officer shall cause an inquiry (to be called a joint inquiry or a departmental inquiry) by constituting a committee of metro railway officials for a thorough investigation of the causes which led to the accident, collision or derailment, as the case may be.

## **10. Notice of joint inquiry or department inquiry.**

(1) Whenever a joint inquiry is to be made, the Chief Executive Officer shall cause notice of the date, place and hour at which the inquiry shall commence, to be given to the following officers, namely-(a) the Commissioner concerned of the metro railway on which the accident occurred ; (b) the Deputy Commissioner of the district in whose jurisdiction the accident occurred or such other officer as the Government of the National Capital Territory of Delhi may appoint in this behalf ; (c) the Deputy Commissioner of the police having jurisdiction at the place where the accident occurred ; and (d) the officer-in-charge of the police station having jurisdiction at such place. (2) The date, place and hour at which the inquiry shall commence shall be fixed so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the inquiry is to be held.

## **11. Procedure for joint inquiry or departmental inquiry and the action to be taken thereon.**

(1) The joint inquiry or departmental inquiry shall be sufficiently detailed so as to point out the cause of the accident and after completion of such inquiry, the report shall be submitted to the Chief Executive Officer and such report shall contain the following particulars, namely-(a) brief description of the accident; (b) description of the locality of the accident; (c) detailed statement of the evidence taken ; (d) the conclusions arrived at together with a note of dissent, if any ; (e) reasons for conclusions arrived at; (f) the nature and extent of the damage done ; (g) when necessary, a sketch illustrative of the accident; (h) the number of metro railway employees killed or injured ; (i) the number of passengers killed or injured ; (j) whether it has been a system failure or failure of an individual; (k) an appendix containing extracts of the rules violated by the staff responsible for the accidents ; and (l) remedial action proposed. (2) The Chief Executive Officer shall, with his remarks as

to the action that is intended to be taken in regard to the staff responsible for the accident, or for the revision of rules, or the system of working, forward a copy of the report referred to in sub-rule (1) to the Commissioner.

## **12. Reports of inquiries into accidents covered by Section 45 of the Ordinance to be forwarded to Commissioner.**

(1) Whenever any accident, not of the nature specified in Section 38 of the Ordinance, such as averted collisions, breach of rules, or other technical accidents, occurs in the course of working of a metro railway, Chief Executive Officer shall cause an inquiry, either a joint inquiry or a departmental inquiry to be held into the accident as per the procedure specified in sub-rule (1) of Rule 11.

## **13. Return of accidents.**

(1) At the end of each financial year, the Chief Executive Officer shall send to the Central Government a return of all accidents that occurred on the Delhi metro railway during the financial year, whether attended with injury to any person or not in the Form II. Form I (Sec rule 3) Notice of Accident under Section 38 of the Ordinance Details of the accident are as under:- (a) Time and date of the accident; (b) Nature of the accident; (c) Kilometerage, or station or both, at which the accident occurred; (d) Number and description of the train or trains; (e) Number of persons killed or injured, as far as is known; (f) Cause of the accident, as far as is known; (g) Probable detention to traffic. Form II (See rule 13) Return of Accidents which occurred during the Year to be submitted under Section 46 of the Ordinance

Sl. No.	Date of accident	Brief details of the accident	Action taken to prevent recurrence of accidents of this nature	Remarks
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