

The Bangalore Metro Railway, (Notice of Accidents and Inquiries) Rules, 2011

UNION OF INDIA

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Rule

THE-BANGALORE-METRO-RAILWAY-NOTICE-OF-ACCIDENTS-AND-INQUIRIES-RULES-2011

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The Bangalore Metro Railway, (Notice of Accidents and Inquiries) Rules, 2011 Published vide Notification New Delhi, the 25th May, 2011 Ministry of Urban Development G.S.R. 403(E). - In exercise of the powers conferred by Section 47 of the Metro Railway (Operation and Maintenance) Act, 2002 (60 of 2002), the Central Government hereby makes the following rules, namely:-

1. Short title and Commencement.

(1) These rules may be called the Bangalore Metro Railway, (Notice of Accidents and Inquiries) Rules, 2011. (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) "Act" means the Metro Railway (Operation and Maintenance) Act, 2002 (60 of 2002); (b) "authorised" means authorised by the Bangalore metro railway administration; (c) "Commissioner" means the Commissioner of Metro Railway Safety appointed under, section 7 of the Act; (d) "Form" means a Form appended to these rules; (e) "passenger" means a person travelling on the Bangalore Metro Railway with a valid ticket or pass; (2) The words and expressions used in these rules but not defined and defined in the Metro Railway (Operation and Maintenance) Act, 2002, shall have the meanings, respectively, assigned to them in that Act.

3. Particulars to be given in the notices.

- Where, in the course of working of Bangalore Metro 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.

4. Mode of sending notices.

- The Bangalore Metro railway administration shall send the notices of accident under section 38 of the Act without delay by email, telefax, or telephone, or through a special messenger, or such other means as may be available and considered necessary.

5. Facility for reaching the site of accident.

- Whenever any accident has occurred in the course of working Bangalore metro railway, the Bangalore Metro Railway Administration shall give all reasonable assistance to the Deputy Commissioner or the Magistrate appointed under section 38 of the Act, 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 applies, 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 such authorities in making inquiries and in obtaining evidence as to the cause of the accident.

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

- When an inquiry by the Commissioner under rule 7, is being made, the Bangalore Metro Railway Administration shall arrange for the attendance, as may be necessary, at the place of inquiry, of any Bangalore metro railway employee whose evidence is required at such inquiry and the Officer in-charge of the Bangalore Metro Railway Administration 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 the Bangalore Metro railway employees, if required as witness at the inquiry.

7. Procedure for inquiry into accident and report thereon under section 43.

(1) On receipt of notice under sub-section (2) of section 38 of the Act 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 Officer in-charge of the Bangalore Metro Railway Administration 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, inform or cause to inform the Chief Secretary of the Government of Karnataka, the Deputy Commissioner and the Deputy Commissioner of Police of the district concerned.(3)The Deputy Commissioner or the 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, the Commissioner shall submit a brief preliminary report to the Chief Commissioner of Railway Safety and such report shall be factual and shall not contain any reference to persons implicated.(5)The Commissioner shall as soon as possible complete its inquiry and submit a detailed report to the Chief Commissioner of Railway Safety.(6)The detailed report referred to in sub-rule (5) shall be confidential and shall contain particulars as specified under sub-rule (1) of rule 11.(7)The Commissioner shall forward copies of his reports to -(i)the Bangalore Metro Railway Administration(ii)the Government of India (Ministry of Urban Development and Ministry of Railways);(iii)the Government of Karnataka; and(iv)the Director, Intelligence Bureau, Ministry of Home Affairs, Government of India and the Commissioner of Police, Bangalore, if the Commissioner finds that the accident was caused by sabotage or train wrecking.(8)The Chief Commissioner of Railway Safety shall make recommendation in regard to the publication of the report and inform the Ministry of Urban Development and Ministry of Railways accordingly:Provided that in case the Ministry of Urban Development has reservations on the recommendations of the Chief Commissioner of Railway Safety regarding publication of the report, the matter shall be decided by the Central Government in the Ministry of Civil Aviation.

8. Inquiry into accidents by metro railway administration under section 40.

(1)If for any reason, the Commissioner is unable to hold an inquiry into an accident covered under section 38 of the Act at an early date after the occurrence of such an accident, he shall notify to the Officer in-charge of the Bangalore Metro Railway Administration the reason as to why the inquiry cannot be held by him.(2)Where no such inquiry is held by the Commissioner under sub-section (1) of section 39 of the Act or where the Commissioner has informed the Bangalore Metro Railway Administration under sub-section (2) of that section that he is not able to hold an inquiry, the Officer in-charge of the Bangalore Metro Railway Administration 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 metro railway Administration.

- On receipt of the information under sub-section (2) of section 39 of the Act, the Officer in-charge of the Bangalore Metro Railway Administration shall cause an inquiry (to be called a joint inquiry or a departmental inquiry) by constituting a committee of the Bangalore 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 departmental inquiry.

(1)Whenever a joint inquiry or departmental inquiry is to be made, the Officer in-charge of the Bangalore Metro Railway Administration 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 Bangalore 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 Karnataka 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 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 Officer in-charge of the Bangalore Metro Railway Administration 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 Officer in-charge of the Bangalore Metro Railway Administration shall, with his recommendations as to the action which is intended to be taken in regard to the staff responsible for the accident, or for the revision of rules, or the revision of 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 to be forwarded to Commissioner.

(1)Whenever any accident, not of the nature specified in section 38 of the Act, such as averted collisions, breach of rules, or other technical accidents, occurs in the course of working of a metro railway, Officer in-charge of the Bangalore Metro Railway Administration shall cause an inquiry, either a Joint inquiry or a department inquiry to be held into the accident in accordance with the procedure specified in sub-rule (1) of rule 11.

13. Return of accidents.

(1) At the end of each financial year, the Officer in-charge of the Bangalore Metro Railway Administration shall send to the Central Government in the Ministry of Urban Development and the Ministry of Railway a return of all accidents that occurred on the Bangalore Metro railway during that financial year, whether attended with injury to any person or not in Form II. Form I (See rule 3) Notice of Accident under section 38 of the Metro Railway (Operation and Maintenance) Act, 2002 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 Metro Railway (Operation and Maintenance) Act, 2002

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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