

The Metro Railways (Notice of Accidents and Inquiries) Rules, 2014

UNION OF INDIA

India

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Rule

THE-METRO-RAILWAYS-NOTICE-OF-ACCIDENTS-AND-INQUIRIES-RULES of 2014

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The Metro Railways (Notice of Accidents and Inquiries) Rules, 2014 Published vide Notification No. G.S.R. 898(E), dated 16th December, 2014 Ministry of Urban Development G.S.R. 898(E). - In exercise of the powers conferred by Section 47 of the Metro Railways (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 Metro Railways (Notice of Accidents and Inquiries) Rules, 2014. (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 Railways (Operation and Maintenance) Act, 2002 (60 of 2002); (b) "Commissioner" means the Commissioner of Metro Railway Safety appointed under section 7 of the Act; (c) "Form" means a form appended to these rules; (d) "Passenger" means a person travelling on the metro railway with a valid ticket or pass; (e) "Central Government" in relation to technical planning and safety of metro railways means the Ministry of the Government of India dealing with Railways. (2) All other words and expressions used in these rules and not defined, but defined in the Act or the Metro Railways General Rules, 2013 shall have the same meaning as respectively assigned to them in that Act or rules.

3. Notice of accident.

(1) A notice of metro railway accident under section 38 of the Act shall be given without delay by the metro railway official in charge of the section of the metro railway to the following authorities in Form I, namely: - i. the Commissioner of Metro Railway Safety concerned; ii. the Ministry of Railways; iii. the Ministry of Urban Development; iv. the State Government concerned; v. the Deputy Commissioner or the District Collector, as the case may be; vi. the Deputy Commissioner of Police, within whose jurisdiction the accident has occurred; vii. the Officer in-Charge of the police station within local limits of which the accident has occurred; and viii. such other Magistrate or police officer as may be appointed in this behalf by the Central Government. (2) A notice of accident under sub-rule (1) shall be sent without delay by email or telefax or telephone or through a special messenger or such other means as may be available.

4. Facility for reaching the site of the accident.

- Whenever any accident has occurred in the course of working of the metro railway, the metro railway administration shall extend all reasonable assistance to (a) the Deputy Commissioner or the District Collector, as the case may be, (b) the Deputy Commissioner of Police, (c) the Magistrate appointed under section 38 of the Act, (d) the Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 (60 of 1952) or any other authority to whom the provisions of the said Commissions of Inquiry Act have been made applicable, (e) the Commissioner, (f) the Medical Officers, (g) the Police or (h) any other person concerned to reach the site of the accident promptly and to make inquiry into the cause of the accident and obtain necessary evidence thereon.

5. Inquiry of accidents by the Commissioner.

(1) The Commissioner shall be bound to hold inquiry into the accidents which result in death or total or partial disablement of permanent nature to a passenger. (2) The Commissioner shall also hold inquiry in any accident involving non-revenue train or accident relief train or tower wagon or departmental train carrying metro railway officials resulting in death or grievous hurt to such officials. (3) The Commissioner may, if he considers necessary, inquire into the accidents resulting in the death or grievous hurt to a metro railway official or to any other person holding a valid pass or ticket but travelling outside the rolling stock including on the roof or buffers of the metro railway or is run over on the metro railway track.

6. Notice of Inquiry and attendance.

(1) The Commissioner or the metro railway administration shall cause notice of inquiry to be given to such metro railway official whose evidence is necessary informing the date, time and place of such inquiry. (2) The metro railway administration shall arrange for the attendance of metro railway officials at the place of inquiry whose evidence is necessary for such period as may be necessary. (3) The metro railway administration shall also cause notice of the date, time and place at which the inquiry shall be held to such other persons including passengers and eyewitnesses who

are willing to give evidence during the inquiry.

7. Procedure for inquiry into accident by the Commissioner.

(1)The Commissioner shall, as soon as may be, after receiving notice under rule 3, notify the metro railway administration of his intention to hold inquiry and communicate the date, time and place of such inquiry.(2)The Commissioner shall inform the Chief Secretary of the State Government, the Deputy Commissioner or the District Collector and the concerned Commissioner of Police or the Superintendent of Police, as the case may be, the date, time and place of inquiry.(3)The Deputy Commissioner or the District Collector and the Commissioner of Police or Superintendent of Police, as the case may be, shall, as far as possible, personally attend the inquiry conducted by the Commissioner and where not possible, depute a senior officer to represent him at such inquiry.(4)On completion of the inquiry, the Commissioner shall submit to the metro railway administration and the Chief Commissioner of Railway Safety, a preliminary report on the immediate cause of accident, whether it was due to system failure or human failure, without making any reference to the persons responsible for the same.(5)The Commissioner shall, as soon as possible, submit a detailed report as specified in sub-rule (6) to the Chief Commissioner of Railway Safety and shall forward copies of this report to-(i)the Metro Railway Administration;(ii)the Government of India in the Ministries of Urban Development and Railways;(iii)the State Government concerned;Provided that where the Commissioner finds that such accident was caused by sabotage or train wrecking, he shall also forward a copy of his report to the Director, Intelligence Bureau, Ministry of Home Affairs in the Government of India and the Commissioner of Police concerned.(6)The detailed report to be submitted by the Commissioner under sub-rule (5) shall be confidential and 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 the conclusion arrived at;(f)the nature and extent of the damage done;(g)a sketch or photograph illustrative of the accident, if necessary;(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 actions proposed.

8. Publication of report by the Chief Commissioner of Railway Safety.

(1)After receiving the detailed report under sub-rule (5) of rule 7, the Chief Commissioner of Railway Safety shall, after taking approval of the Ministry of Urban Development and the Ministry of Railways in the Government of India, cause publication of the report.(2)Where the Ministry of Urban Development has any reservations on publication of the report, the Chief Commissioner of Railway Safety shall not cause publication of the report until the matter is finally decided by the Ministry of Civil Aviation.

9. Inquiry into accidents by the Metro Railway Administration.

(1) If for any reason, the Commissioner is unable to hold an inquiry into an accident at an early date after the occurrence of such an accident, he shall inform the metro railway administration the reason as to why the inquiry cannot be held by him and thereafter the metro railway administration shall cause an inquiry to be held in accordance with the procedure specified in rule 10. (2) Where, in the course of working of metro railway, any accident, excluding the nature of accidents specified in sub-rules (1) & (2) of rule 5, occurs either on account of breach of rules or due to technical/human failure, the metro railway administration shall cause an inquiry to be held into such accident in accordance with the procedure specified in rule 10.

10. Procedure for inquiry by the Metro Railway Administration.

(1) On receipt of information from the Commissioner under sub-rule (1) of rule 9 or where an accident of the nature specified in sub-rule (2) thereof occurs, the metro railway administration shall cause either a joint inquiry or a departmental inquiry to be held for thorough investigation of the causes which led to such accident. (2) The metro railway administration concerned shall constitute a Committee of Metro Railway Officers for holding a joint inquiry and give necessary orders/instructions to that Committee. (3) Where any department of the metro railway administration concerned is found responsible for the accident or it accepts the responsibility for such accident, the metro railway administration shall cause a Departmental Inquiry to be held and shall give necessary orders/instructions to the Head of the Department responsible for such accident to adopt and suggest such measures as may be necessary to prevent recurrence of such accidents. (4) Before initiating a joint inquiry or departmental inquiry, as the case may be, the office-in-charge of the metro railway administration shall cause a notice to be given informing the date, place and time of the inquiry to the following officers, namely:-(a) the Commissioner; (b) the Deputy Commissioner or the District Collector as the case may be, of the district in whose jurisdiction the accident occurred or such other officer as the State Government may appoint in this behalf; (c) the Deputy Commissioner of 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. (5) A detailed report of the Joint Inquiry or the Departmental Inquiry, as the case may be, containing details of the cause of the accident and all particulars as specified in sub-rule (6) of rule 7 shall be prepared and submitted to the metro railway administration. (6) The metro railway administration shall, after receiving the report under sub-rule (5), forward a copy of the report to the Commissioner and Ministry of Railways alongwith his recommendation on the action to be taken in regard to the staff responsible for the accident and revision if any, to be made in the rules or in the system of working of metro railway.

11. Annual Return of accidents.

(1) At the end of each financial year, the metro railway administration shall prepare and forward to the Ministry of Urban Development and the Ministry of Railways in the Government of India, an annual return of all accidents that have occurred on the metro railway during that financial year in Form II. Form I (See rule 3) Notice of Accident Consequential Train Accident Message No.: Accident*

of Passenger Train on Metro Railway on DD/MM/YYYY Information received from Nodal Officer /
Metro at HH : MM hrs on DD/MM/YYYY

Date and Time of Accident DD/MM/YYYY

Section

Block Section/At Station

System of Working

Train No.

Load

Brief Particulars

Casualty

Relief Arrangements

Officers visiting site

Prima-facie cause

Restoration

Other information

State/District

*Type of Accident Date: DD/MM/YYYY (Name) Designation Form II (See rule 11) Annual Return of
Accidents

S.No.	Date	Regions	Gauge	Section	At Station / Mid Section / At work site	Train No.	Brief Particulars	Casualties	Prima Facie Cause	Final Cause
P*R*O* K* G* S*										
1	2	3	4	5	6	7	8	9	10	11

Cost of Damage	Interruption to through Traffic	Type of Inquiry CRS / Department	Findings / Outcome	Responsibility	Action taken	Whether Section 45(Yes / No)
Engg.	Mech.	Elect.	Others			
12	13	14	15	16	17	18

*P - Passenger *R - Staff (Metro Staff) *O - Others *K - Killed *G - Grievous Injured *S - Simple Injured