

The Railway Passengers (Manner Of Investigation Of Untoward Incidents) Rules, 2003

UNION OF INDIA

India

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Rule

THE-RAILWAY-PASSENGERS-MANNER-OF-INVESTIGATION-OF-UNTOWARD-INCIDENTS-RULES-2003

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21.

/931In exercise of the powers conferred by section 129 of the Railways Act, 1989 (24 of 1989), read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

.- (1) These rules may be called The Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003. (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 Railways Act, 1989 (24 of 1989); (b) "Claims Tribunal" means Tribunal constituted under the Railway Claims Tribunal Act, 1987; (c) "diary" means the station diary being maintained by the Station Superintendent for recording daily events happened at the station; (d) "Divisional Office" means the divisional

headquarter of the Zonal Railway;(e)"Divisional Railway Manager" means the administrative in-charge of the Divisional Office [or the Additional Divisional Railway Manager nominated by him] [Added by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).];(f)["Divisional Security Commissioner" means an officer, not below the rank of a Commandant, who is the head of the Force of a Division or a Railway Establishment at any place connected with the Railways;] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).](g)"Force" means the Railway Protection Force;(h)"Form" means the Form appended to these rules;(i)"Inquest Report" means the report prepared by the police containing details of incident;(j)"Jama Talashi" means the report about the recovery of any belongings of the person affected by the untoward incident;(ja)["Officer of the Force" means the authorised officer as defined in clause (c) of section 2 of the Railway Property (Unlawful Possession) Act, 1966 and clause (26-A) of section 2 of the Railways Act, 1989;] [Inserted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).](k)"Police" means a State Police;(l)"Station Superintendent" includes Deputy Station Superintendent, Station master and Assistant Station Master or other officer being in-charge of the station;[* * *] [Clauses (m) and (n) omitted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).](o)"untoward incident" means an incident defined under clause (c) of section 123 of the Act; and(p)"Zonal Railway" means a zonal railway constituted under section 3 of the Act.(2)The words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Report about untoward incident .-Any railway servant, including guard and driver of the train, on coming to know of the occurrence of an untoward incident, shall report the incident immediately to the nearest Station Superintendent.

4. [Duties of Station Superintendent, Guard, Conductor and Train Ticket Examiner in-charge of the train [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]

.- (1) If an untoward incident occurs at the station, the concerned Station Superintendent shall immediately arrange for medical assistance to the injured passengers and report such incident within twenty-four hours of the occurrence to the Divisional Security Commissioner in Form 1.(2) If an untoward incident occurs in the mid-section, the Guard of the concerned train shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).(3) In case the Guard is injured in an untoward incident, the Conductor of the concerned train shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).(4) In case both the Guard and the Conductor are injured in an untoward incident, the Train Ticket Examiner in-charge shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).(5) If an untoward incident occurs in mid-section, in the absence of officers mentioned in sub-rules (2), (3) and (4), the Station Superintendent, if it comes to his notice, shall perform the duties referred to in sub-rule (1).[* * *] [Rule 5 omitted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]

6. Duties of Station Superintendent

.-The Station Superintendent, on receipt of an information about the occurrence of an untoward incident under rule 3, shall,-(i)make necessary entries to this effect in the station diary;(ii)arrange for medical assistance to the injured passengers;(iii)make out a brief report in respect of spot of the untoward incident and forward copies thereof to the Divisional Office, Zonal Railways, police and [Divisional Security Commissioner] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).] of the Force;[* * *] [Clauses (iv) and (v) omitted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]

7. Conducting of investigation and submission of report by the Force

.- (1) On receipt of information under rule 6, an officer of the Force, [* * *] [Certain words omitted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).] shall carry out the investigation and shall,-(i)obtain copies of the inquest report, post mortem report and Jama Talashi report from the police investigating the incident;(ii)[obtain a copy of the report specified under clause (iii) of rule 6;] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).](iii)obtain information about the untoward incident in Form 2;(iv)record statement of additional witnesses, if so required;(v)collect any other evidence required by the circumstances of the case.(2)The officer of the Force, [shall complete the investigation within sixty days and] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).] submit a report to the [authority] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).] specified under sub-rule (2) of rule 10.

8. Conducting of investigation and submission of report by the Police

.- (1) The police on receipt of the report under clause (iii) of rule 6, shall immediately initiate investigation and prepare inquest report or injury report in accordance with the procedure laid down in Criminal Procedure Code, 1973 (2 of 1974).(2)After preparation of report, as mentioned in sub-rule (1), the police shall immediately give clearance certificate for movement of trains from the site of incident so that minimum delay is caused in restoration of train movement.

9. The injured and the next of kin of the deceased passenger may submit evidence and assist police and Force

.-The injured and the next of kin of the deceased passengers may submit all the relevant evidence before the Police and assist the Police and the Force to complete the investigation.

10. Forwarding of investigation report by the Police and the Force

.- (1) The police on completion of the investigation, shall forward the report thereof to the Magistrate, as required under the Criminal Procedure Code, 1973 (2 of 1974).(2)The officer of the Force shall forward the report prepared under sub-rule (2) of rule 7 to the [* * *] [Certain words omitted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).] Divisional Security Commissioner of

the Force.(3)[The Divisional Security Commissioner shall submit the report to Divisional Railway Manager within fifteen days of the receipt of report of investigation from officer of the force.] [Inserted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]

11. Action on the report by the Divisional Railway Manager

.- (1) The Divisional Railway Manager, on receipt of the report, [mentioned in sub-rule (3) of rule 10 shall examine the same within fifteen days] [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]. (2) When, on examination, Divisional Railway Manager is satisfied that the investigation is complete, he shall pass an order accepting the said report. (3) If the Divisional Railway Manager has reason to believe that some more inquiry is required in the matter, it shall refer the same back for investigation to the officer of the Force along with his observations for further investigation. (4) On receipt of a reference under sub-rule (3), the officer of the Force shall investigate the matter further and submit the report immediately to the Divisional Railway Manager.

12. Communication of order

.- Final orders passed on the report by the Divisional Railway Manager shall be communicated to the Station Superintendent who shall maintain the records and make necessary entries in the Station Diary to this effect.

13. [Sending report to claim office [Substituted by G.S.R. 540(E), dated 9-8-2007 (w.e.f. 9-8-2007).]

.- (1) The investigation report along with acceptance of Divisional Railway Manager thereon shall be sent within fifteen days to the administrative in-charge of the claim office of the Zonal Railway where the incident has occurred. (2) The administrative in-charge of claim office of the Zonal Railway who has received the notice of claim for that particular incident shall arrange to collect the report from the claim office of Railway where the incident has occurred and submit the same to the concerned bench of the Railway Claims Tribunal along with the Written Statement.] FORM 1 (See rule 4) Report Of Untoward Incident

1. Kilometer at which untoward incident occurred:

2. Name of Driver of the train with Headquarter:

3. Name of Guard of the train with Headquarter:

4. Name of Train Ticket Examiner of train, if posted, with Headquarter:

5. Nature of the untoward incident :

(a)accidental fall(b)bomb blast(c)rioting/shootout(d)others

6. Time of occurrence:

7. Position of human body in relation to track:

8. Whether medical help was given to the injured:

9. Whether train stopped or not:

10. Condition of doors and occupation coach:

_____.SignatureName and designationDate:FORM 2(See Rule 7)Brief Particulars
Of Untoward Incident

1.

In cases of death :(a)time and place the body was detected:(b)position of the body in relation to the tracks:(c)blood stains on ballast or engine, extent of the injuries and whether prima facie inflicted by a train or otherwise:(c)position of any clothing etc. found on or near the rails:(d)Name of information, his parentage and address:

2. In case of accidental falling or other untoward incidents:

(a)kilometreage at which the passenger fell or person was knocked down:(b)was the incident noticed by the Guard/Driver/TTE and the train stopped or was the alarm chain pulled to stop the train:(c)was the train backed to the incident spot:(d)how the injured or dead person was dealt with :

3. In case the passenger falling out:

(a)name, age, sex and address of the passenger, with the particulars of ticket, if any, held:(b)if child, also give the name and address of the guardian at the time, and his relationship to the child :
(c)where was the person or child seated or standing at the time last seen by fellow passengers:(d)owning railway, painted number, compartment number, type description and position of the carriage from the engine:(e)condition of doors:(f)officer of the Force on train:(g)brief statement of the injured person containing cause of accident:(h)name and signature of the passenger in whose presence the statement is recorded:(i)in the case of a child, the name and signature of guardian:(j)in the case of a child, the name and signature of guardian:(j)statement of co-passengers:(k)type of injuries sustained by the injured i.e. temporary, permanent, partial or complete disablement:SignatureName and designationDate: