

The Chennai Metro Railway (Notices of Accidents and Inquiries thereto) Rules, 2014

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Rule

THE-CHENNAI-METRO-RAILWAY-NOTICES-OF-ACCIDENTS-AND-INQ of 2014

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The Chennai Metro Railway (Notices of Accidents and Inquiries thereto) Rules, 2014 Published vide Notification New Delhi, the 28th October, 2014 G.S.R. 759(E). - In exercise of the powers conferred by section 47 of the Delhi Metro Railways (Operation and Maintenance) Act, 2002 (No. 60 of 2002), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Chennai Metro Railway (Notices of Accidents and Inquiries thereto) 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) "Form" means a Form appended to these rules; (c) "Passenger" means a person travelling on the Chennai Metro Railway with a valid ticket of any type as specified in sub-rule (2) of rule 8 of the Chennai Metro Railway (Carriage and Ticket) Rules, 2014 or pass; (d) "Central Government", in relation to technical planning and safety of metro railways, means the Ministry of the Government of India dealing with Railways. (2) The words and expressions used in these rules and not defined but defined in the Act and Metro Railway General Rules, 2013 shall have the meanings respectively assigned to them in the Act and the Metro Railway General Rules, 2013.

3. Notice of accident.

- Where, in the course of working Chennai Metro Railway if, -(a) any accident attended with loss of any human life or with grievous hurt, as defined in the Indian Penal Code, 1860 (45 of 1860), or with such serious damage to metro rail property of a present value exceeding two crore rupees; (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; 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 -(i) The Commissioner of the Metro Railway Safety; (ii) The Ministry of Railways; (iii) The Ministry of Urban Development; (iv) State Government; (v) The District Collector; (vi) The Deputy Commissioner of Police, within whose jurisdiction the accident occurs; (vii) The Officer-in-Charge of the Police Station within local limits of which the accident occurs; and (viii) Such other Magistrate or Police officer as may be appointed in this behalf by the Central Government.

4. Mode of sending notices.

- The notice of accident under section 38 of the Act shall be sent, without delay, by the Metro Railway Administration to the authorities specified in rule 3 by email, or 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.

- When ever any accident has occurred in the course of working the Chennai Metro Railway, the Metro Railway Administration shall extend all reasonable assistance to the District Collector or the Magistrate appointed or deputed 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 Commissions of Inquiry Act have been made applicable, and to the Commissioner of the Metro Railway Safety, the 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 due inquiries and in obtaining evidence as to the cause of the accident.

6. Procedure for inquiry into accident by the Commissioner of the Metro Railway Safety and report thereon under section 43 of the Act.

(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 the passengers, the Commissioner of the Metro Railway Safety shall, as soon as may be, notify the Metro Railway Administration of his intention to hold an inquiry into causes that led to the accident and shall at the same time, fix and communicate the date, time and place of the inquiry. Provided the inquiry under this rule shall be obligatory only in those cases where the passengers, killed or grievously hurt were travelling in the train carrying passengers: Provided

further that if a person being a metro railway servant or holding valid pass or ticket travelling outside the rolling stock, such as on the roofs or on the buffers, is killed or grievously hurt, or is runover on the railway track, an inquiry under these rules shall not be obligatory.(2)For the purpose of these rules, the non-revenue trains, accident relief trains, tower wagons or any departmental trains carrying workmen shall be treated as passenger trains and in the event of workmen being killed or grievously hurt as a result of an accident to the train, an inquiry under these rules shall be obligatory.(3)The Commissioner of the Metro Railway Safety shall, while conducting an inquiry, inform or cause to inform the Chief Secretary of the State Government, the District Collector and the Commissioner of Police of the District concerned.(4)The District Collector or the Commissioner of Police, as the case may be, shall, as far as possible, attend the inquiry conducted by the Commissioner of the Metro Railway Safety personally or else depute a senior officer to represent him at the inquiry.(5)On completion of an inquiry in respect of any of the accidents referred to in rule 3, the Commissioner of the Metro Railway Safety shall submit a preliminary narrative report to the Metro Railway Administration and Chief Commissioner of Railway Safety, and such report shall be factual and shall not contain any reference to persons implicated.(6)The Commissioner of the Metro Railway Safety shall, as soon as possible, complete his inquiry and submit a detailed report 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 (Ministry of Urban Development and Ministry of Railways);(iii)the State Government:Provided that the Commissioner of the Metro Railway Safety shall also forward a copy of his report to Director, Intelligence Bureau, Ministry of Home Affairs, Government of India; and the Commissioner of Police, Chennai, if the CMRS finds that the accident was caused by sabotage or train wrecking.(7)The detailed report referred to in sub-rule (6) 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 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.

7. Attendance of Metro Railway employees at the place of inquiries conducted by Commissioner of the Metro Railway Safety or a Magistrate.

- When an inquiry by the Commissioner of the Metro Railway Safety under rule 6 is being made, the Metro Railway Administration 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 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 12; and(b)arrange for the attendance of Metro Railway employees, if required, as witness at the inquiry.

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

- The Chief Commissioner of Railway Safety shall make recommendation in regard to the publication of the report and inform the Ministry of Railways, with a copy to the Ministry of Urban Development: 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 finally decided by the Ministry of Civil Aviation.

9. Inquiry into accidents by Metro Railway Administration under section 40 of the Act.

(1) If for any reason, the Commissioner of the Metro Railway Safety is unable to hold an inquiry into an accident under section 38 of the Act 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. (2) Where no such inquiry is held by the Commissioner of the Metro Railway Safety under sub-section (1) of section 39 of the Act or where the Commissioner of the Metro Railway Safety has informed the Metro Railway Administration under sub-section (2) of section 39 of the Act that he is not able to hold an inquiry, the Metro Railway Administration shall cause an inquiry to be made in accordance with the procedure specified in rule 11.

10. Inquiries into accidents covered by section 45 of the Act.

- 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, the Metro Railway Administration shall cause an inquiry, either a joint inquiry or a departmental inquiry to be held into the accident in accordance with the procedure specified in rule 11 and prepare a report on such accident and take immediate remedial action.

11. Procedure for inquiry by the Metro Railway Administration.

(1) On receipt of information under section 40 and 45 of the Act, the Metro Railway Administration 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 as referred to in rule 3 and rule 10. (2) Joint inquiry: The Metro Railway Administration shall order an inquiry to be promptly made by a Committee of Metro Railway Officers, to be called as Joint Inquiry for the thorough investigation of the cause which led to the accident. (3) Departmental Inquiry: If any department of the Metro railway administration concerned accepts the responsibility of the accident, it shall be the duty of the Head of the department responsible for the accident to make an inquiry called 'Departmental Enquiry' as he may consider necessary. If his staff or the system of working is at fault, he shall adopt or suggest such measures as he may consider necessary for preventing a recurrence of similar accidents.

12. Notice of Joint Inquiry or Departmental Inquiry.

(1) Whenever a joint inquiry or departmental inquiry is to be made, the 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 of the Metro Railway Safety; (b) the District Collector of the district in whose jurisdiction the accident occurred or such other officer as the Government of Tamil Nadu 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.

13. Report of 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 Metro Railway Administration and such report shall contain the particulars as specified in sub rule (7) of rule 6. (2) The Metro Railway Administration shall, with its 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 policies relating to operations, maintenance, human resources etc. or the system of working, forward a copy of the report referred to in sub-rule (1) to the Commissioner of the Metro Railway Safety and the Ministry of Railways for information.

14. Return of accidents.

- At the end of each financial year, the Metro Railway Administration shall send to the Central Government (Ministry of Urban Development and Ministry of Railways) a return of all accidents that occurred on the Metro railway during that financial year, whether attended with injury to any person or not in the Form II as appended to these rules. Form I (See rule 3) Notice of Accident Under Section 38 of the Metro Railway (Operation And Maintenance) Act, 2002 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 & Time of Accident DD/MM/YYYY at HH : MM hrs

Section

Block Section and Kilometrage

Gauge/Line/Traction

Station /Signalling/Interlocking

System of working

Train No.

Load

Engine No.

Brief Particulars

Casualty

Relief Arrangements

Officers at Site

Prima-facie cause

Time of Restoration

Other information, if any

State / District

*Type of Accident Date: DD/MM/YYYY (Name) Designation Form II (See rule 14) Return of Accidents Which Occurred During The Year, To Be Submitted Under Section 46 of the Metro Railway (Operation And Maintenance) Act, 2002 Format For Annual Report of Train Accidents on Metro Railways

Casualties

S.No.	Date	Regions	Gauge	Section	At Station / Mid Section / At work site	Train No.	Brief Particulars	P*R*O* K* G* S*		
1	2	3	4	5	6	7	8	9		
	Prima Facie Cause	Final Cause	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						
10	11	12	13	14	15	16	17	18		

*P - Passenger

*R - Staff (Metro Staff)

*O - Others

*K - Killed

*G - Grievous Injured

*S - Simple Injured