

- a) DRM/GM may decide to have the inquiry conducted even in cases where a particular department accepts the responsibility for enabling thorough review of associated systems involved in the accident.
- b) Time limits prescribed are the upper limits. Railway should make efforts to finalize the Inquiry Report and DAR action as early as possible but not beyond the prescribed time limits.

908 Acceptance of responsibility by Departments concerned:

- a) Except as provided for in clause (b) below, and irrespective of whether a joint or Inter departmental Inquiry is ordered by the General Manager, the Sr.DSO of the division shall be advised within two days by the other divisional officers whether their department is accepting responsibility or not. If no department accepts responsibility, the Divisional Safety Officer shall at once put up the case to the Divisional Railway Manager who will, if necessary, order an Inter Departmental inquiry.
- b) No advice regarding acceptance of responsibility need be sent in case of accidents at level crossings resulting in no injury to persons and/or no damage to public property.

909 Special Report: A special report on an accident is a brief narrative report and it shall be submitted in cases indicated in Chapter-II. It shall contain only the facts of the case, relevant particulars from the statements of staff, the conclusions regarding the cause of accident and the responsibility of staff, together with the rules violated. When a special report contains any detail which is in supersession of what has already been furnished in the accident message, this shall be specifically indicated in the special report. The 'Matters Brought to Light' in the course of the investigation of the accident, and 'suggestions', if any, regarding the steps to be taken to avoid recurrence of the accident, shall be incorporated in the separate paragraphs. The special report shall not contain any reference to the disciplinary action proposed to be taken against the staff held responsible. Disciplinary action against the staff held responsible shall be initiated only on acceptance of the findings by the appropriate authority. The actual punishments imposed on staff shall be communicated, within the stipulated time limit to the Chief Safety Officer.

910 Commencing of Joint and Inter-departmental Inquiries: When a Joint or Interdepartmental inquiry is ordered by the General Manager, the Senior Most Officer of the inquiry committee shall fix the date as per the schedule and place, in consultation with other members of the committee but, in all cases, the inquiry shall be held at the station nearest to the site of accident and within three days after the occurrence of accident. The site of accident shall be inspected immediately and such inspection shall not be dispensed with under any circumstances. The date once fixed may not be changed, except in case of absolute necessity. The representative of each department shall be responsible for summoning and arranging for the attendance at the inquiry of the staff of his department who may be able to give evidence in the case. The Presiding Officer shall arrange for the attendance of any other witnesses whose presence he considers necessary to examine.

911 Method of conducting Joint / Inter Departmental Inquiries:

- a) Before starting the Inquiry, issues shall be framed and the evidence confined to these issues as far as possible. Witnesses shall not be permitted to make long irrelevant statements, but from the outset shall be asked questions relevant to the point of issue, after which their evidence, as recorded shall be read over to them and they shall be asked if they have anything to add. Witness shall be cross-examined and re-examined if necessary, to elicit important details.
- b) If a witness has given a statement prior to the Inquiry, that statement shall first be read over to him and recorded as his deposition. The witness shall also be

specifically asked to state whether he has anything to depose in addition to, or in modification of that statement and his reply recorded and his signature obtained. Any further evidence on the part of such witness shall be the outcome of cross examination and no fresh independent statement shall be recorded. The questions put to the witness in the cross examinations and the answers therefore, shall be recorded then and there.

- c) If a witness in his statement gives evidence of facts which have occurred and which are contrary to the rules and regulations and which render him culpable of neglect or violation of the rules and regulations, it shall be elicited from the witness, during his examination/cross examination whether he is aware that the facts stated by him are contrary to the rules and regulations.
- d) The Inquiry Officer or the Committee shall not be satisfied merely with the determination of the immediate cause or causes of the accident. It shall look for drawing out necessary evidence and ascertain the contributory factors, if any, which have led the staff to commit the breach of rules. It shall also go fully into the matter of the compelling circumstances, if any, which have a bearing on the accident. Contributory factors are such factors as an irregular and unauthorised method of working followed at the station, a general laxity in working having taken root at the station for want of proper supervision, etc., which have led to the breach of rules. Compelling circumstances are such circumstances as inadequacy of signalling and interlocking equipment or other safety devices such as key box, point indicator, etc., inadequacy or absence of communication equipment resulting in frequent trips on the part of the station staff over long distances, impossibility, especially at peak periods, of carrying out all the operations and duties laid down for the staff, absence of the minimum staff required to perform all the duties, impracticability of complying with Station Working Rules, staff working overtime for want of timely relief, etc. Considerable care shall be exercised in assessing the compelling circumstances. The standard considered desirable shall be co-related to the work load at the station and shall be compared to the standards obtainable at other similar stations.
- e) The Inquiry Officer or the committee shall also note "matters brought to light" in the course of the Inquiry, which though not having a direct bearing on the accident may lead to accidents in future.
- f) In the case of a Joint Inquiry, it is not necessary for the members of the Magistracy and the Police to attend the deliberations in regard to the finding or to sign the Joint Inquiry proceedings, but they may ask any questions while the examination of witnesses is going on and the answer given to such questions may be recorded as part of the proceedings.

912 Composition of Inquiry Committee:

- a) The composition of the inquiry committee will depend upon the nature of accident. Normally officers from Safety, Engineering, Operating, Mechanical department will be in the committee. Officers from other departments are nominated based on the nature of accident.
- b) When staff or engine of another division is involved, representative of that division may also be included in the inquiry committee.
- c) In case of fire accident, the representative of Security branch should also be associated.
- d) No Officer or a Subordinate official whose evidence is required to be recorded before an inquiry committee should be appointed as a Member of that committee except when allowed only under the personal orders of the CSO / DRM.

913 President of Inquiry Committee: