

- b) The Magistrate conducting the Judicial Inquiry shall, as far as possible, avoid summoning the Commissioner of Railway Safety, if in the report submitted under rule 230 of the Statutory Investigation into Railway Accidents Rules, 1973, the opinion of the said Commissioner on technical matters which required explanation has already been expressed.

938 Communication of the decision of Judicial Inquiry to the Railway Administration, Commissioner of Railway safety and the State Government:

On conclusion of the judicial inquiry, the Magistrate shall send a copy of his decision to the Head of the Railway Administration concerned and to the Commissioner of Railway Safety, and shall, report the result of the inquiry to the State Government, if he thinks it is necessary to do so.

939 Police Investigation:

The Railway Police may make an investigation into the causes which led to any accident occurring in the course of working a railway and shall do so –

- (a) Whenever any such accident is attended with loss of human life or with grievous hurt, with serious damage to railway property of the value exceeding ₹ 2 Crore or has prima facie been due to any criminal act or omission; or
- (b) Whenever the District Magistrate or the Magistrate appointed under rule 216 of Railway Accidents Rules 1973 has given a direction under clause (c) of that rule:

Provided that no such investigation shall be made when an inquiry has been commenced or ordered under clause (a) or clause (b) of rule 216.

Provided further that where, having regard to the nature of the accident, the Central Government has appointed a Commission of Inquiry to inquire into it under the Commissions of Inquiry Act, 1952 (60 of 1952), or has appointed any other authority to inquire into it and for that purpose has made all or any of the provisions of the said Act applicable to that authority, the Railway Police shall not make an investigation under this rule. If they have already commenced their investigation, they shall not proceed further with it and shall hand over the records or other documents in their possession relating to the investigation to the commission of enquiry.

939.1 Railway Police to report every Accident:

The Railway Police shall report with as little delay as possible to the nearest Station Master or, where there is no Station Master, to the railway employee in charge of the section of the railway on which the accident has occurred, every accident which may come to their notice occurring in the course of working a railway, attended with loss of human life or with grievous hurt or with serious damage to railway property of the value exceeding ₹ 2 Crore or which has prima facie been due to any criminal act or omission.

939.2 Status of Police Officer investigating the accident:

- a) Whenever an investigation is to be made by the Railway Police,
 - i) in an accident case which is attended with loss of human life or with grievous hurt or with serious damage to railway property of the value exceeding ₹ 2 Crore.
 - ii) in pursuance of the direction given under clause (c) of rule 216 of Railway Accidents Rules 1973
 - iii) the investigation shall be conducted by Head of the Railway Police of the area in which the accident has occurred, or if that Officer is unable to conduct the investigation himself, by an Officer to be deputed by him.
- b) The Officer deputed under the above rule shall ordinarily be the Senior Officer available, and shall, whenever possible, be a Gazetted Officer and shall in no case be of rank lower than that of an Inspector.

Provided that investigation may be carried out by an Officer-in-charge of a police station.—

- i. In a case where there is no loss of life or grievous hurt has been caused to more persons than one or no damage to railway property of value exceeding ₹ 2 Crore has been caused or there is no reason to suspect that any employee of the railway has been guilty of neglect of any rule relating to the working of the railway; or
- ii. In a case if the District Magistrate so directs.

940 Notice of Police Investigation: The Police Officer who is to conduct an investigation shall at once inform the Head of the Railway Administration concerned and the Divisional Railway Manager of the date and time at which the investigation will commence, so that a railway official may be arranged to watch the proceedings and to help the officer making the investigation. After sending such advice, he shall proceed, without delay to the scene of the accident and conduct the investigation there. The absence of a railway official shall not, however, be allowed to delay the investigation which shall be conducted as soon as possible after the accident has taken place.

941 Assistance of the District Police :

- a) Immediate information shall be given by the Railway Police of the area to the District Police, who, if so required, shall afford all necessary assistance and shall, if occasion arises, carry the investigation beyond the limits of the railway premises. But the Railway Police of the area shall primarily be responsible for carrying on the investigation within such limits.
- b) Subject to the provisions contained in these rules the further prosecution of the case on the conclusion of the police investigation, shall rest with the Railway Police.

942 Communication of the result of Police investigation: The result of every Police investigation shall be reported at once to District Magistrate or other Officer appointed in this behalf by the State Government, to the head of the Railway Administration concerned or other Officer appointed by him and to the Commissioner of Railway Safety.

943 District Police to discharge duties of Railway Police: Where there are no Railway Police in the area, the duties imposed on the Railway Police of the area or on the Head of such Railway Police, shall be discharged by the District Police or by the District Superintendent of Police, as the case may be.

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