

CHAPTER- X

COMMISSIONER OF RAILWAY SAFETY

1001 'All concerned' telephonic message to the Commissioner of Railway Safety: The Commissioner of Railway Safety shall be included in the 'All Concerned' telephonic messages in case of the following accident classes. –

A1 to A4;	B1, B2 & B3;
C1, C2 & C4;	D1 to D3;
K3;	N1 & N2.

1002 Telephonic advice to the Commissioner of Railway Safety: The Commissioner of Railway Safety should be given telephonic advice in case of the following accidents.

- a) Any accident to a train carrying passengers, workman special or material train resulting in
 - i. loss of life and/or grievous injury (or defined in the Indian Penal Code) to anybody traveling in the train, and /or
 - ii. damage to Railway property exceeding a value of Rs.2 crores, and/or
 - iii. interruption to running on any important through line for at least 24 hours.
- b) Accidents at manned level crossings involving collision between a train and a road vehicle in which there is loss of life or grievous injury to passengers in the road vehicles. Passengers in the road vehicles include both driver and other occupants of road vehicles.
- c) Collisions and derailment of goods trains in which there is loss of life or grievous injury to any person.

The telephonic advice should be given by any of the Officers of the division in the order of priority given below:

- (1) Sr.Divisional Safety Officer
- (2) Sr.Divisional Operations Manager
- (3) Assistant Operations Manager (G).
- (4) Assistant Operations Manager (M)

While reporting the accident to Central Control, it should be confirmed by Dy.Chief Controller in Divisional control that the Commissioner of Railway Safety has been informed over phone about the accident by the DRM of the division.

1003 Accidents to be reported to the Commissioner of Railway Safety by Post:

The Divisional Railway Manager shall send, as soon as possible, a typed copy of the accident message by post, to the Commissioner of Railway Safety in case of the following accident classes :-

D 4;	F 1 to 4;
G 1 to 4 ;	H 1 and 2;
J 4 & 5	(When the parting occurs outside station limits.)
J 6	(Failure of rolling stock on running trains – axles.)
K 1,2 and 4 to 6	

1004 Non- Reporting of accidents to the Commissioner of Railway Safety: Excepting the accidents mentioned in paragraph 1001 or 1003 above which are reportable to the Commissioner of Railway Safety by telephone or by post, no other accidents shall be reported to the Commissioner of Railway Safety either by telephone or by post.

1005 Statement of accidents to the Commissioner of Railway Safety: The Chief Safety Officer shall submit to the Commissioner of Railway Safety the following statements of accidents: -

- a) Monthly—Accidents coming under accident classes M-1 to M-3 & N-1.
- b) Quarterly – A statement showing summaries of accidents under section 113 of the Railways Act 1989.

1006 Statutory investigation into Railway Accidents - under Section 122 of the Railways Act, 1989 (24 Of 1989): Inquiry into a serious accident by the Commissioner of Railway Safety:

- (a) Where the Commissioner of Railway Safety receives notice under Section 113 of the Railways Act 1989 of the occurrence of an accident which he considers of a sufficiently serious nature to justify such a course, he shall as soon as possible notify the Chief Commissioner of Railway Safety, the Railway Board and the Head of the Railway Administration concerned of his intention to hold an inquiry and shall, at the same time, fix and communicate the date, time and place for the inquiry. He will also issue or cause to be issued a Press note in this behalf, inviting the public to tender evidence at the inquiry and to send information relating to the accident to his office address.

- (b) While notifying his intention to hold an inquiry as aforesaid, the Commissioner of Railway Safety shall also inform the District Magistrate and the Superintendent of Police of the District concerned.

For the purpose of this rule, apart from the nature of accidents mentioned in para 1002 above, any other accident which in the opinion of CCRS or CRS requires the holding of an enquiry shall be deemed to be an accident of serious nature as to requiring the holding of an inquiry.

Where the Chief Commissioner of Railway Safety considers the holding of an inquiry into an accident necessary, he may either hold the inquiry himself or direct the Commissioner of Railway Safety to do so.

EXPLANATION :

- i) The inquiry under this rule shall be obligatory only in those cases where the passengers travelling in the train, killed or grievously hurt.
- ii) If a person travelling on the foot-board or roof of a passenger train is killed or grievously hurt or if a person is run over at a level crossing or elsewhere on the railway track, an inquiry under this rule shall not be obligatory.
- iii) Similarly, if in a collision between a road vehicle and a train carrying passengers at a level crossing, no train passenger is killed or grievously hurt, it shall not be obligatory for CRS enquiry.
- iv) For the purpose of this rule, workmen's trains or ballast trains carrying workmen shall also be treated as passenger carrying trains and in the event of a workman being killed or grievously hurt as a result of an accident to the train, an inquiry under this rule shall be obligatory.
- (c) When an accident requiring the holding of an inquiry occurs at a station where the jurisdiction of two or more Commissioners of Railway Safety meet, the duty of complying with this rule shall devolve on the Commissioner of Railway Safety within whose Jurisdiction the Railway working such a station lies.
- (d) (i) If, for any reason, the Commissioner of Railway Safety is unable to hold an inquiry at an early date after the occurrence of such an accident, he shall inform the Head of the Railway Administration concerned and the Railway Board accordingly and he shall also inform the Chief Commissioner of Railway Safety of the reasons why an inquiry has not been held by himself.

(ii) On receipt of the proceedings of the Joint Inquiry (inquiry made by a Committee of Railway Officers) from the Head of the Railway Administration in accordance with rule 214 of Railway (Notices of and Inquiries into accidents) Rules, 1973, the Commissioner of Railway Safety shall scrutinize the same. In case he agrees with the findings of the Joint Inquiry, he shall forward a copy of the report to the Chief Commissioner of Railway Safety along with his views on the findings and recommendations made. If on the other hand the Commissioner of Railway Safety, after examination of the joint inquiry proceedings, considers that an Inquiry should be held by himself, he shall, as soon as possible, notify the Chief Commissioner of Railway Safety, the Railway Board and the Head of the Administration concerned, of his intention to hold an inquiry. He shall at the same time, fix and communicate the date, time and place for the inquiry.

(e) (i) Where having regard to the nature of the accident, the Central Government has appointed a Commission of Inquiry to inquire into the accident 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 Commissioner of Railway Safety to whom notice of the accident has been given shall not hold his inquiry. Where he has already commenced his inquiry, he shall not proceed further with it and shall hand over the evidence, records or other documents, in his possession relating to the inquiry to such authority as may be specified by the Central Government in this behalf.

(ii) If, as a result of the police investigation, a regular case is lodged in criminal court by the police, the Commissioner of Railway Safety shall discontinue his inquiry.

1007 Attendance of Railway employees to attend Inquiries: When an inquiry under rule 228 of the Statutory Investigation into Railway Accidents Rules, 1973, or a judicial inquiry is being held, the Head of the Railway Administration concerned shall arrange for the attendance, as long as may be necessary, at the place of inquiry, of all railway employees whose evidence is likely to be required at such an inquiry. Further, if the inquiry is to be held by the Commissioner of Railway Safety under rule 228 of Statutory Investigation into Railway Accident Rules, 1973, the Head of the Railway Administration concerned shall issue notice of the date, hour and place at which the inquiry will begin to the officers concerned. He shall also arrange for the attendance of the Divisional Officers concerned at the inquiry.

1008 Officers to assist Commissioner of Railway Safety —

When an inquiry under rule 228 is held, the General Manager will nominate an Officer of Senior Administrative rank or above who shall attend the inquiry held by the Commissioner of Railway Safety along with other Officers of lower rank who are normally required to assist the Commissioner of Railway Safety. The Divisional Railway Manager should also attend the inquiry held by the Commissioner of Railway Safety into train accidents personally, unless it is beyond his control due to very compelling reasons. This is to facilitate the inquiry officer in obtaining the evidence, maintain liaison with local Magistracy and the Police for completing the inquiry expeditiously.

1009 A brief Preliminary Narrative Report: Where the Commissioner of Railway Safety has held an inquiry in respect of any of the accidents described in sub-rule (2) of rule 228, he shall submit a brief preliminary narrative report to the Railway Administration concerned, the Chief Commissioner of Railway Safety and the Railway Board simultaneously. The report shall be factual and shall not contain any reference to persons implicated.