

APPENDIX XXIX

(Regulation 602)

Rules regarding notices of and enquiries into rail way accidents.

Notification No. 1926T, dated 19th March 1930, of the Government of India, Railway Department (Railway Board,) as amended by Notification No, 1926T., dated 30th July 1930.

In exercise of the powers conferred by the notification of the Government of India in the department of Commerce and Industry, No.801, dated the 24th March 1905, and in pursuance of section 84 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board are pleased, in supersession of the rules published with their Notification No. 120.T.-18, dated the 21st March 1932, to make the following rules, namely:

Notices.

1. The notices mentioned in section 83 of the Indian Railways Act, 1890 (IX of 1890) (hereinafter in these rules referred to as —the Act') shall contain the following particulars, namely:-

mileage, or station or both, at which the accident occurred;
time and date of the accident;
number of people killed or injured, as far as known;
nature of the accident;
number of people killed or injured, as far as known;
cause of the accident, as far as known;
Probable detention to traffic.

2. When any accident such as is described in section 83 of the Act occurs in the course of working a railway, the station master nearest to the place at which the accident has occurred, or where there is no station master, the railway servant in charge of the section of the railway on which the accident has occurred, shall give notice of the accident, shall give notice of the accident by telegram to the Government Inspector, the District Magistrate and the District Superintendent of Police of the district in which the accident has occurred or such other Magistrate or police officer as may be appointed in this behalf by the Provincial Government, to the Superintendent of Railway Police and to the officer in charge of the police station within the local limits of which it has occurred.

Explanation. — For the purposes of this rule accidents of a description usually attended with loss of human life are meant to include all accidents to passenger trains such for example, as slight collisions, derailments, train-wrecking or attempted train-wrecking, cases of running over, obstructions places on the line, of passengers falling out of trains or of fires in trains, in which no loss of life, or grievous hurt as defined in the Indian Penal Code, or serious injury to property has actually occurred but which by the nature of

the accident might reasonably have been expected to occur; also cases of landslides or of breaches by rain or flood, which cause the interruption of any important though line of communication for at least 24 hours.

3. The notice of accidents required by section 83 of the Act to be sent without unnecessary delay by the Railway administration to the Provincial Government shall be sent as follows:

(a) by telegram in the case of-

(i) accidents deemed under the explanation to rule 6 to be serious by reason of loss of human life;

(ii) accidents by reason of which the permanent way is likely to be blocked for more than 12 hours; and

(iii) Cases of supposed train-wrecking or attempted train-wrecking; and

(b) by letter in all other cases.

Duties of railway servants

4. Every railway servant shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such report shall be made to the nearest station-master, or where there is no station-master, to the railway servant in charge of the section of the railway on which the accident has occurred.

5. The station-master, or the railway servant in charge of the section, shall report the accident in accordance with the detailed rules laid down by the Railway Commission for the reporting of accidents.

Duties of District Traffic officers

6. Whenever a serious accident occurs, the District Traffic Superintendent Concerned shall supply by telegram to the press as soon after the accident as possible brief particulars, as far as these are available, as prescribed in rule 1, supplementary telegrams, if necessary, being dispatched immediately further information is available. A copy shall be sent simultaneously by —Express telegram to the Railway Board the Government Inspector of the Circle and the Chief

Government Inspector. In stating the cause of the accident the District Traffic Superintendent shall avoid making any statement the correctness of which may subsequently be questioned.

Explanation.— For the purposes of this rule every accident to a train (Whether carrying passengers or not) which is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, which is roughly estimated to cost, say, Rs.20,000 or over, also every accident, such as landslide, breach by rain or flood, derailment, etc., which causes the interruption of any important through line of communication for at least 24 hours, shall be deemed to be a serious accident. For the purposes of this rule cases of trespassers run over and injured or killed through their own carelessness or of passengers

uninjured or killed through their own carelessness shall not be deemed to be serious accidents.

Duties of the Government Inspector appointed under section 4, sub-section (1) of the Indian Railways Act, 1899 (IX of 1890).

7. (1) Whenever the Government Inspector received notice under section 83 of the Act of the occurrence of an accident which he considers of a sufficiently serious nature to justify such a course he shall, as soon as may be, notify the Railway Board and the Agent or Manager of the Railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

(2) For the purpose of this rule every accident to a train carrying passengers which is attended with loss of human life, or with serious injury to persons, or to property of the value of approximately Rs.20,000 or upwards, and any other accidents which, in the opinion of the Government Inspector, requires the holding of an enquiry, shall be deemed to be an accident of a sufficiently serious nature to require the holding of an enquiry.

(3) When an accident requiring the holding of an enquiry, occurs at a station where the charges of two or more Government Inspectors meet, the duty of complying with this rule shall devolve on the Government Inspector within whose jurisdiction lies the railway working the station which is the scene of the accident.

(4) If, for any reason, the Government Inspector is unable to hold an enquiry, at an early date, after occurrence of such an accident, the Agent or the Manager of the Railway concerned shall, on request by the Government Inspector, forward to him, with as little delay as possible, the proceedings of the joint enquiry which has been made under rule 18. The Government Inspector shall advise the Railway Board of the reason why an enquiry has not been held by himself. If the Government Inspector, after examination of the joint enquiry proceedings, considers that an enquiry should be held by himself, he shall, as soon as possible, notify the Railway Board and the Agent or Manager of the Railway concerned, of his intention to hold an enquiry and shall at the same time fix and communicate the date, time and place for the enquiry.

8. Whenever the Government Inspector has made an enquiry under rule 7, or when he disagrees with or considers it necessary adversely to criticize the report of the joint or departmental enquiry or the working of the railway, he shall submit a report in writing to the Railway Board and, in the case of a railway under the control of a Provincial Government or Administration, to such Provincial Government or Administration also; and shall forward as copy of such report to the Agent or Manager of the Railway concerned, and, if a magisterial enquiry is being made, to the Magistrate who is making such enquiry.

9. (1) In the case of all accidents of the nature described in sub-rule (2) of rule, 7, a preliminary brief narrative report shall be submitted by the Government Inspector to the Railway Board immediately after the completion of his enquiry. This report shall not contain any reference to persons implicated. The report, referred to in rule 8, shall be submitted in

the form adopted by the inspecting officers of the Board of Trade and shall contain-

- (a) a brief description of the accident;
- (b) a description of the locality of the accident;
- (c) a detailed statement of the evidence taken;
- (d) the conclusions arrived at;
- (e) and appendix stating the damage done;
- (f) (when necessary) a sketch illustrative of the accident;

(2) Reports, in connection with accidents which although coming under section 83 of the Act, are not accidents of the nature described in sub-rule(2) of rule 7, will be submitted to the Railway Board only if, in the opinion of the Government Inspector, they contain features of special importance or requiring special importance or requiring special notice. When the Government Inspector recommends the publication of such a report, it shall be in the form adopted by the inspecting officers of the Board of Trade; when not recommended for publication it may be in the form of a letter explaining, as briefly as possible, the special features which the Government Inspector desires to bring to notice.

10. If the Agent or Manager makes any remarks on the Government Inspector's report under rules 16 and 17 or expresses an intention to do so, the Government Inspector shall inform the Railway Board and the Provincial Government or Administration controlling the Railway, of the steps which have been or are proposed to be taken by the the Railway administration to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

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11. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 22 or a judicial enquiry whenever he may be called upon to do so.

12. Nothing in these rules shall be deemed to limit or otherwise affect the exercise of any of the powers conferred on Government Inspectors by section 5 of the Act.

Duties of the Agent or Manager, and of the Head of the Department concerned

13. Whenever any accident has occurred in the course of working a railway, the Agent or Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 22 and to the Government Inspector, medical officers, the police, and others concerned to enable them promptly to reach the scene of the accident, and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

14. Whenever any accident, occurring in the course of working a railway, has been attended with grievous hurt, as defined in the Indian Penal Code, it shall be the duty of the Agent or manager to afford aid to the sufferers, and to see that they are properly and carefully attended to till removed to their home or handed over to the care of their relatives or friends. In any such case, or in any case in which any loss of human life or grievous hurt, as defined in the Indian Penal Code, has occurred, the nearest local medical officer should be communicated with, if he is nearer than any railway medical officer.

15. When any enquiry, under rule 7 or rule 22 or any judicial enquiry as being made, the

Agent or Manager shall arrange for the attendance, as long as may be necessary, at the officer or place of enquiry, of all railway servants whose evidence is likely to be required. If the enquiry is to be held by the Government Inspector under rule 7, the Agent or Manager shall cause notice of the date, hour and place at which the enquiry will begin to be given to the officers mentioned in clauses (a) and (c) of rule 19. He shall also arrange for the attendance of the District Officers at the enquiry.

16. Whenever the Agent or Manager receives a copy of the Government Inspector's report under rule 8 he shall at once acknowledge its receipt. If he differs from the views expressed in the report, he shall, in his acknowledgement of the report, inform the Government Inspector of his intention to submit his remarks later. If the Agent or Manager desires to prosecute any person or persons, he shall immediately forward a copy of the report, together with a statement of the persons he wishes to prosecute, to the District Magistrate of the district in which the accident occurred, or to such other officer as the Local Government may appoint in this behalf.

17. Whenever the report of the Government Inspector points to the necessity for or suggests a change in any of the rules or in the system of working, the Agent or Manager shall, when acknowledging the report, intimate the action which has been taken, or which it is proposed to take, to prevent a recurrence of similar accidents, or shall inform the Government Inspector of his intention to report further on the Government Inspector's proposals.

18. (i) Whenever an accident, such as is described in section 83 of the Act, has occurred in the course of working a railway, the Agent or manager shall cause an enquiry to be promptly made by a committee of railway officers (to be called a joint enquiry) for the thorough investigation of the cause which led to the accident:

Provided that such enquiry may be dispensed with—

(a) if an enquiry is to be held by the Government Inspector under rule 7

(b) if the accident has not been attended with loss of human life, or with grievous hurt as defined in the Indian Penal Code, or with serious injury to Property; or

(c) if there is no reasonable doubt as to the accident; or

(d) if one department of the railway intimates that it accepts all responsibility in the matter.

(2) Where such enquiry is dispensed with, it shall be the duty of the head of the department of the railway responsible for the accident to make such enquiry (to be called a —departmental enquiry) as he may consider necessary and if his staff or the system of working is at fault, to adopt or suggest such measures as he may consider expedient for preventing a recurrence of similar accidents.

19. (1) Whenever a joint enquiry is to be made, the Agent or Manager shall cause notice of the date and hour, at which the enquiry will commence, to be given to the following officers, namely:

(a) the District Magistrate of the district in which the accident occurred, or such of the officer as the provincial Government may appoint in this behalf, the Superintendent or Railway police and the District Superintendent of police;

(b) the Government Inspector for the section of the railway on which the accident occurred, and © the officer in charge of the Railway police, or if there are no Railway police, the officer in charge of the police-station in the jurisdiction of which the accident occurred.

(2) The date and hour at which the enquiry will commence shall be fixed, so as to give the officers mentioned in sub-rule)1) sufficient time to reach the place where the enquiry is to be held.

20. (1) As soon as any joint or departmental enquiry has been completed, the president of the Committee or the head of the department, as the case may be, shall send to the Agent or Manager a report which in the case of ass accidents of the nature described in the explanation to rule 6 must be submitted in the form prescribed by sub-rule (1) of rule 9.

(2) The Agent or Manager shall forward, with his remarks as to the action it is intended to take in regard to the staff responsible for the accident, or for the revision of the rules or the system of working, a copy of such report: (a) to the Government Inspector for the section of the railway on which the accident