

(Issued by MoCA)

THE-STATUTORY-INVESTIGATION-INTO-RAILWAY-ACCIDENTS-RULES-1998

- *[This is the version of this document from 17 December 1998.]*

The Statutory Investigation into Railway Accidents Rules, 1998 Published vide Notification G.S.R. 257, dated 17.12.1998, published in the Gazette of India, Part 2, Section 3(i), dated 26.12.1998.

In exercise of the powers conferred by section 122 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules namely: -

Brought into force on 26-12-1998.

1.

(1) These rules may be called **The Statutory Investigation into Railway Accidents Rules, 1998**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2.

(1)(a) **Inquiry into a serious accident by the Commissioner of Railway Safety**
.-Where the Commissioner of Railway Safety receives notice under section 113 of the Railways Act, 1989 (24 of 1989) hereinafter referred to as 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 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 shall also issue or cause to be issued a Press Note in this behalf inviting the public to tender evidence at the inquiry and send information relating to the accident to his office address.

(1)(b) While notifying his intention to hold an inquiry as aforesaid, the Commissioner of Railway Safety shall also inform or cause to inform the Chief Secretary of the State, the District Magistrate and the Superintendent of Police of the district concerned.

(2) **For the purpose of this rule, every accident to a train carrying passengers which is attended with loss of life of a passenger or passengers in the train**

or with grievous hurt, as defined in the Indian Penal Code (hereinafter referred to as the grievously hurt) to a passenger or passengers in the train or with serious damage or railway property of a value exceeding twenty-five lakh rupees(now Rs 2 crore) and any other accident which in the opinion of the Chief Commissioner of Railway Safety or the Commissioner of Railway Safety requires the holding of an inquiry shall be deemed to be an accident of such a serious nature as to require the holding of an inquiry. These accidents shall be termed as "Serious train accidents".

(3)However, for any accident the Chief Commissioner may either hold the inquiry himself or direct any Commissioner of Railway Safety to do so. Explanation. -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. If an accident involving a train carrying passengers leads to loss of life or grievous injury to any Railway Servant(s) irrespective of whether he was travelling in that passenger train or not, inquiry under this rule shall be obligatory. However, if a person being a railway servant or holding valid pass or ticket or otherwise travelling outside the Rolling Stock of a Passenger train (such as on footboard or roof or buffers but excluding the inside of vestibules between coaches) is killed or grievously hurt, or is run over at a level crossing or elsewhere on the railway track, an inquiry under this rule shall not be obligatory. **Similarly, if in a collision between a road vehicle and a passenger train at a level crossing, no passenger in the train is killed or grievously hurt, it shall not be obligatory to hold an inquiry.** For the purpose of this rule, workmen's trains or ballast trains or Material trains or Accident Relief Trains or Tower wagons or such other trains carrying workmen or cattle specials/Military specials carrying authorised escorts or similar such trains shall also be treated as Passenger trains and in the event of a workman or escort being killed or grievously hurt as a result of an accident to the train, an inquiry under this rule shall be obligatory.

(4)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 station lies. At other such locations where the issue cannot be resolved then it shall be finalised by the Chief Commissioner of Railway Safety.

(5)(a)If, for any reason, the concerned Commissioner of Railway Safety is unable to hold an inquiry at an early date after the occurrence of such an accident, he shall intimate by the fastest means of communication without any delay to the Chief Commissioner of Railway Safety of the reasons why the inquiry cannot be held by him. The Chief Commissioner may choose to conduct

the inquiry himself or direct any other Commissioner to take up the inquiry or decide to let the inquiry be conducted by the Railway Administration. The concerned Commissioner shall thereafter notify the Railway Administration and the Railway Board accordingly.

(b)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 15 of Railway (Notices of and Inquiries into Accidents) Rules, 1997**, the Commissioner of Railway Safety shall scrutinise the same, and in case he agrees with the findings of the joint inquiry, shall forward a copy of the report to the Chief Commissioner of Railway Safety along with his views on the findings and recommendations made. In case the Commissioner feels, he may direct the Railway Administration either to conduct inquiry de novo or re-examine specific issues and submit revised findings. 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 Railway Administration concerned, of his intention to hold an inquiry and he shall at the same time fix, and communicate the date, time and place for the inquiry.

(6)(a)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 Commission 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** and 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.

(b)If, as a result of the Police Investigation a regular case is lodged in a Criminal Court by the Police or arising out of the accident, a case is lodged in a Civil Court by interested person(s), the Commissioner shall finalise his report and circulate the same as per rule 4, as a strictly confidential document.

3. Commissioner of Railway Safety to submit a brief preliminary narrative report

Where a Commissioner of Railway Safety has held an inquiry in respect of any of the accidents described in sub-rule (2) of rule 2, **he shall submit a brief preliminary narrative report to the Chief Commissioner of Railway Safety**

and the Railway Board simultaneously. In case Chief Commissioner of Railway Safety has held an inquiry in terms of rules 2(3) and 2(5) he shall submit the brief preliminary narrative report to the Railway Board. The report shall be factual and shall not contain any reference to persons implicated.

4. Commissioner of Railway Safety to submit a report.

-(1) Whenever the Commissioner of Railway Safety has made an inquiry under rule 2, he shall submit a confidential report in writing to the Chief Commissioner of Railway Safety and shall forward **copies of the report to-**
(i)the Railway Board;

(ii)the Railway Administration of all the Zonal Railways;

(iii)in the case of a Railway under the control of a State Government or Local Administration to such Government or administration if the accident has occurred in that Railway;

(iv) other Commissioner of Railway Safety;

(v)the Director, Intelligence Bureau, Ministry of Home Affairs, Government of India, if the Commissioner of Railway find that the accident was caused by sabotage or train wrecking.

(2)In case the inquiry has been held by the Chief Commissioner of Railway Safety he shall forward his report to the authorities mentioned in (i) and (vi) of sub-rule (1) of this rule.

5. Publication of reports

Recommendations in regard to the publication of reports shall be made by the Chief Commissioner of Railway Safety and Railway Board (Ministry of Railways) informed accordingly. **In case the Railway Board has reservations on the recommendations of the Chief Commissioner, the matter shall be finally decided by the Central Government (Ministry of Civil Aviation).**

6. District Magistrate or his representative to attend the inquiry conducted by Commissioner of Railway Safety

Where no Magisterial inquiry is being made under clause (a) or (b) of rule 17 of the Railway (Notices of and Inquiries into Accidents) Rules, 1997, the District Magistrate shall, as far as possible, attend the inquiry conducted by the Commissioner of Railway Safety personally or depute some other officer to represent him at the inquiry.

7. District Superintendent of Police or his representative

The District Superintendent of Police shall, as far as possible also attend the inquiry conducted by the Commissioner of Railway Safety personally or depute some other officer to represent him at the inquiry.

8. Commissioner of Railway Safety to assist the Magistrate of the Commission of Inquiry, etc., in clarifying technical matters

.-The Commissioner of Railway Safety, as far as possible, assist any Magistrate making a judicial inquiry or an inquiry under rule 17 of Railway (Notices of and Inquiries into Accidents) Rules, 1997 or a Commission of Inquiry appointed under the Commission of Inquiry Act, 1952 (60 of 1952), or any other authority appointed by the Central Government to which all or any of the provisions of the said Act have been made applicable, whenever he may be called upon to do so for the purpose of clarification of any technical matters.

9. Powers of the Commissioner of Railway Safety

. -Nothing in these rules shall, except to the extent provided in sub-rule (6) of rule 2, be deemed to limit or otherwise affect the exercise of any of the powers conferred on Commissioner of Railway Safety by sections 7 and 8 of the Act of 1989.

10. Repeal and saving

. -(1) The "Statutory Investigation into Railway Accident Rules, 1973", published with notification of Government of India in the Ministry of Tourism & Civil Aviation No. 22, dated 2-6-1973, Part II, section 3 are hereby **repealed**.

(2)Notwithstanding such repeal, anything done or any action taken under the rules hereby repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.