

## **RAILWAY PASSENGERS (MANNER OF INVESTIGATION OF UNTOWARD INCIDENTS) RULES, 2003**

### **CONTENTS**

1. Short title and commencement
2. Definitions
3. Report about untoward incident
4. Duties of guard, driver and train ticket examiner
5. Duties of Supervisor
6. Duties of Station Superintendent
7. Conducting of investigation and submission of report by the force
8. Conducting of investigation and submission of report by the police
9. The injured and the next of kin of the deceased passenger may submit evidence and assist police and force
10. Forwarding of investigation report by the police and the Force
11. Action on the report by the Divisional Railway Manager
12. Communication of order
13. Investigation report to be placed before Divisional Railway Manager

## **RAILWAY PASSENGERS (MANNER OF INVESTIGATION OF UNTOWARD INCIDENTS) RULES, 2003**

In exercise of the powers conferred by Section 129 of the Railways Act, 1989 (24 of 1989), read with Section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules, namely:

### **1. Short title and commencement :-**

- (1) These rules may be called the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions :-**

- (1) In these rules, unless the context otherwise requires,
  - (a) 'Act' means the Railways Act, 1989 (24 of 1989);
  - (b) 'Claims Tribunal' means Tribunal constituted under the Railway

Claims Tribunal Act, 1987;

(c) 'diary' means the station diary being maintained by the Station Superintendent for recording daily events happened at the station;

(d) 'Divisional Office' means the divisional headquarter of the Zonal Railway;

(e) 'Divisional Railway Manager' means the administrative in charge of the divisional office;

(f) 'Divisional Security Commissioner' means administrative in charge of the force of Divisional Office;

(g) 'Force' means the Railway Protection Force;

(h) 'Form' means the Form appended to these rules;

(i) 'Inquest Report' means the report prepared by the police containing details of incident;

(j) 'Jama Talashi' means the report about the recovery of any belongings of the person affected by the untoward incident;

(k) 'Police' means a State Police;

(l) 'Station Superintendent' includes Deputy Station Superintendent, Station Master and Assistant Station Master or other officer being in charge of the station;

(m) 'Supervisor' means official in charge of the guard or driver or Train Ticket Examiner booking office;

(n) 'Technical Survey' means survey carried out by a team of railway officials nominated by the Station Superintendent or any other official being in charge of railway station;

(o) 'untoward incident' means an incident defined under clause (c) of Section 123 of the Act; and

(p) 'Zonal Railway' means a zonal railway constituted under Section 3 of the Act.

(2) The words and expressions used herein and not defined but defined in the Act shall have the meaning respectively assigned to them in the Act.

### **3. Report about untoward incident :-**

Any railway servant, including guard and driver of the train, on

coming to know of the occurrence of an untoward incident, shall report the incident immediately to the nearest Station Superintendent.

**4. Duties of guard, driver and train ticket examiner :-**

Any guard or driver or train ticket examiner, who is on duty at the time of occurrence of untoward incident, shall,

- (i) immediately arrange for medical assistance to the injured passengers, and
- (ii) report the occurrence of such incident to the Supervisor in Form I.

**5. Duties of Supervisor :-**

On receipt of a report in Form I, the Supervisor shall forward the same to the Divisional Railway Manager.

**6. Duties of Station Superintendent :-**

The Station Superintendent, on receipt of an information about the occurrence of an untoward incident under Rule 3, shall,

- (i) make necessary entries to this effect in the station diary;
- (ii) arrange for medical assistance to the injured passengers;
- (iii) make out a brief report in respect of spot of the untoward incident and forward copies thereof to the Divisional Office, Zonal Railways, police and in charge of the Force;
- (iv) carry out technical survey of the untoward incident himself or through his representative; and
- (v) depute his representative to assist the force to complete the process of investigation.

**7. Conducting of investigation and submission of report by the force :-**

(1) On receipt of information under Rule 6, an officer of the Force, not below the rank of Inspector shall carry out the investigation and shall,

- (i) obtain copies of the inquest report, post mortem report and Jama Talashi report from the police investigating the incident;
- (ii) obtain copy of the technical survey carried out by the railway official nominated by the Station Superintendent;

- (iii) obtain information about the untoward incident in Form 2;
- (iv) record statement of additional witnesses, if so required;
- (v) collect any other evidence required by the circumstances of the case.

(2) The officer of the Force, on completion of the investigation, shall submit a report to the authorities specified under sub-rule (2) of Rule 10.

**8. Conducting of investigation and submission of report by the police :-**

(1) The police on receipt of the report under clause (iii) of Rule 6, shall immediately initiate investigation and prepare inquest report or injury report in accordance with the procedure laid down in Criminal Procedure Code, 1973.

(2) After preparation of report, as mentioned in sub-rule (1), the police shall immediately give clearance certificate for movement of trains from the site of incident so that minimum delay is caused in restoration of train movement.

**9. The injured and the next of kin of the deceased passenger may submit evidence and assist police and force :-**

The injured and the next of kin of the deceased passengers may submit all the relevant evidence before the police and assist the police and the Force to complete the investigation.

**10. Forwarding of investigation report by the police and the Force :-**

(1) The police on completion of the investigation, shall forward the report thereof to the Magistrate, as required under the Criminal Procedure Code, 1973.

(2) The officer of the Force shall forward the report prepared under sub-rule (2) of Rule 7 to the Divisional Railway Manager and Divisional Security Commissioner of the Force.

**11. Action on the report by the Divisional Railway Manager :-**

(1) The Divisional Railway Manager, on receipt of the report, shall immediately examine the same.

(2) When, on examination, Divisional Railway Manager is satisfied that the investigation is complete, he shall pass an order accepting the said report.

(3) If the Divisional Railway Manager has reason to believe that some more inquiry is required in the matter, it shall refer the same back for investigation to the officer of the Force along with his observations for further investigation.

(4) On receipt of a reference under sub-rule (3), the officer of the Force shall investigate the matter further and submit the report immediately to the Divisional Railway Manager.

**12. Communication of order :-**

Final orders passed on the report by the Divisional Railway Manager shall be communicated to the Station Superintendent who shall maintain the records and make necessary entries in the Station Diary to this effect.

**13. Investigation report to be placed before Divisional Railway Manager :-**

The investigation report along with comments of the Divisional Railway Manager thereon shall be placed before the Claims Tribunal by Railway Administration while filing written statement in the case in which compensation has been claimed on the basis of such untoward incident.