

MINISTRY OF RAILWAYS
NOTIFICATION

New Delhi, the 8th August, 2003

G.S.R.646(E). 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 Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003.

(2) They shall come into force on the date of their publication in 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 Suptd. 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 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 Asstt. 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 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 In-charge of the Force.
- iv) Carry out technical survey of the untoward incident himself or through his representatives; and
- v) Depute his representatives 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,

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- 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 passenger may submit all the relevant evidence before the police and assist the police and the force to complete 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 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 the 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.

[No. 2001/TC-III/26/45/RC]

PADMAKSHI RAHEJA, Executive Director/Public Grievances (Railway Board)

Form-1
(See rule-4)

REPORT OF UNTOWARD INCIDENT

1. Kilometer at which untoward incident occurred:
2. Name of driver of the train with Headquarter:
3. Name of Guard of the train with Headquarter:
4. Name of train ticket examiner of train, if posted, with Headquarter:
5. Nature of the untoward incident:
 - (a) accidental fall
 - (b) bomb blast
 - (c) rioting/shootout
 - (d) others
6. Time of occurrence :
7. Position of human body in relation to track
8. Whether medical help was given to the injured:
9. Whether train stopped or not:
10. Condition of doors and occupation of coach:

Signature

Date:

Name and Designation

2. Form-2

(See rule-7)

BRIEF PARTICULARS OF UNTOWARD INCIDENT

- 1 In cases of death :
 - (a) time and place the body was detected.
 - (b) Position of the body in relation to the tracks,
 - (c) Blood stains on ballast or engine, extent of the injuries and whether prima facie inflicted by a train or otherwise;
 - (d) Position of any clothing etc. found on or near the rails.
 - (e) Name of informant, his parentage and address:

2. In case of accidental falling or other untoward incidents :
 - a. Kilometerage at which the passenger fell or person was knocked down.
 - b. Was the incident noticed by the Guard/Driver/TTE and the train stopped or was the alarm chain pulled to stop the train :
 - c. Was the train backed to the incident spot :
 - d. How the injured or dead person was dealt with:

3. In case of a passenger falling out:
 - a. Name, age, sex and address of the passenger, with the particulars of ticket, if any, held :
 - b. If child, also give the name and address of the guardian at the time, and his relationship to the child :
 - c. Where was the person or child seated or standing at the time last seen by fellow passengers :
 - d. Owing Railway, painted number, compartment number, type description and position of the carriage from the engine:
 - e. Condition of doors:
 - f. Officer of the Force on train:
 - g. Brief statement of the injured person containing cause of accident:
 - h. Name and signature of the passenger in whose presence the statement is recorded:
 - i. In the case of a child, the name and signature of guardian;
 - j. Statement of co-passengers:
 - k. Type of injuries sustained by the injured i.e temporary, permanent, partial or complete disablement.

Date:

Signature
Name and Designation



भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

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रेल मंत्रालय

(रेलवे बोर्ड)

अधिसूचना

नई दिल्ली, 9 अगस्त, 2007

सा.का.नि. 540(अ).—केन्द्रीय सरकार, रेल अधिनियम, 1989 (1989 का 24) की धारा 129 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए रेल यात्री (अनपेक्षित घटनाओं के अन्वेषण की रीति) नियम, 2003 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम रेल यात्री (अनपेक्षित घटनाओं के अन्वेषण की रीति) संशोधन नियम, 2007 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. रेल यात्री (अनपेक्षित घटनाओं के अन्वेषण की रीति) नियम, 2003 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) में,—
 1. नियम 2 के उप-नियम (1) में,
 - (क) खंड (ड) के अंत में "या उसके द्वारा नाम-निर्देशित अपर प्रभागीय रेल प्रबंधक" शब्द जोड़े जाएंगे;
 - (ख) खंड (ज) के पश्चात् निम्नलिखित खंड अंतःस्थापित किया जाएगा, अर्थात् :—
 "ज क) 'बल का अधिकारी' से रेल संपत्ति (विधि विरुद्ध कब्जा) अधिनियम, 1966 की धारा 2 के खंड (ग) और रेल अधिनियम, 1989 की धारा 2 के खंड 26क में यथा परिभाषित प्राधिकृत अधिकारी अभिप्रेत है";
 - (ग) खंड (च) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—
 "च) 'प्रभागीय सुरक्षा आयुक्त' से कमांडेंट पब्लिक से अनिम्न पब्लिक का ऐसा अधिकारी जो किसी प्रभाग या रेल से संबद्ध किसी अन्य स्थान पर किसी रेल स्थापन का प्रधान है, अभिप्रेत है";
 - (घ) खंड (ड) और खंड (द) का लोप किया जाएगा।
 2. उक्त नियमों के नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—
 "4. स्टेशन अधीक्षक, गार्ड, संवाहक और गाड़ी का भारसाधक गाड़ी टिकट परीक्षक के कर्तव्य.—(1) यदि स्टेशन पर कोई अनपेक्षित घटना घटती है तो संबद्ध स्टेशन अधीक्षक आहत यात्रियों की चिकित्सीय सहायता के लिए तत्काल इंतजाम करेगा और ऐसी घटना की रिपोर्ट घटित होने के चौबीस घंटे के भीतर प्ररूप-1 में प्रभागीय सुरक्षा आयुक्त को देगा।

- (2) यदि सेक्शन के मध्य में कोई अनपेक्षित घटना घटती है तो संबद्ध गाड़ी का गार्ड निकटतम स्टेशन के स्टेशन अधीक्षक को सूचित करेगा जो उप-नियम (1) में निर्दिष्ट कर्तव्यों को पालन करेगा ।
- (3) यदि अनपेक्षित घटना में गार्ड आहत हो जाता है तो संबद्ध गाड़ी का संवाहक निकटतम स्टेशन के स्टेशन अधीक्षक को सूचित करेगा जो उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा ।
- (4) यदि गार्ड और संवाहक दोनों अनपेक्षित घटना में आहत हो जाते हैं तो भारसाधक गाड़ी टिकट परीक्षक निकटतम स्टेशन के स्टेशन अधीक्षक को सूचित करेगा जो उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा ।
- (5) यदि उप-नियम (2), उप-नियम (3) और उप-नियम (4) में उल्लिखित अधिकारियों की अनुपस्थिति में स्टेशन के मध्य में कोई अनपेक्षित घटना घटती है तो स्टेशन का अधीक्षक उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा ।”
3. उक्त नियमों के नियम 5 का लोप किया जाएगा ।
4. उक्त नियमों के नियम 6 में,—
- (क) खंड (iii) में “भारसाधक” शब्द के स्थान पर “प्रभागीय सुरक्षा आयुक्त” शब्द रखे जाएंगे;
- (ख) खंड (iv) और खंड (v) का लोप किया जाएगा ।
5. उक्त नियमों के नियम 7 में,—
- (क) उप-नियम (1) में “जो निरीक्षक की पंक्ति से नीचे का न हो” शब्दों का लोप किया जाएगा;
- (ख) उप-नियम (1) में खंड (ii) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—
- “(ii) नियम 6 के खंड (iii) के अधीन विनिर्दिष्ट रिपोर्ट की प्रति अभिप्राप्त करेगा”;
- (ग) उप-नियम (2) में “अन्वेषण पूरा हो जाने पर” शब्दों के स्थान पर “साठ दिन के भीतर अन्वेषण पूरा करेगा और” शब्द रखे जाएंगे ।
- (घ) उप-नियम (2) में “प्राधिकारियों” शब्द के स्थान पर “प्राधिकारी” शब्द रखा जाएगा ।
6. उक्त नियम के नियम 10 में,—
- (क) उप-नियम (2) में, “प्रभागीय रेल प्रबंधक और” शब्दों का लोप किया जाएगा;
- (ख) उप-नियम (2) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाएगा, अर्थात् :—
- “(3) प्रभागीय सुरक्षा आयुक्त बल के अधिकारी से अन्वेषण की रिपोर्ट की प्राप्ति के पंद्रह दिन के भीतर प्रभागीय रेल प्रबंधक को रिपोर्ट प्रस्तुत करेगा ।”
7. उक्त नियमों के नियम 11 के उप-नियम (1) में “रिपोर्ट प्राप्त होने पर तत्काल उसकी जांच करेगा” शब्दों के स्थान पर “नियम 10 के उप-नियम (3) में उल्लिखित रिपोर्ट प्राप्त होने पर पंद्रह दिन के भीतर उसकी जांच करेगा” शब्द रखे जाएंगे ।
8. उक्त नियमों के नियम 13 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्:—
- “13. दावा कार्यालय को रिपोर्ट का भेजा जाना.—(1) अन्वेषण रिपोर्ट को, उस पर प्रभागीय रेल प्रबंधक की स्वीकृति के साथ आंचलिक रेल के उस दावा कार्यालय के प्रशासनिक भारसाधक को, जहां घटना घटित हुई है, पंद्रह दिन के भीतर भेजा जाएगा ।
- (2) आंचलिक रेल के दावा कार्यालय का वह प्रशासनिक भारसाधक जिसने उस विशिष्ट घटना की सूचना प्राप्त की है रेल के उस दावा कार्यालय से रिपोर्ट एकत्रित करने की व्यवस्था करेगा जहां घटना घटित हुई है और उसे लिखित कथन के साथ रेल दावा अधि-करण की संबंधित न्यायपीठ को प्रस्तुत करेगा ।

[फा. सं. 2001/टीसी-III/26/45/आरसी]

बी. एल. मीना, कार्यकारी निदेशक (जन शिकायत)

टिप्पण :— मूल नियम भारत के राजपत्र, भाग II, खंड 3, उप-खंड (i) में सं. सा.का.नि. 646(अ), तारीख 8 अगस्त, 2003 द्वारा प्रकाशित किए गए थे ।

भारत का राजपत्र : असाधारण

MINISTRY OF RAILWAYS

(RAILWAY BOARD)

NOTIFICATION

New Delhi, the 9th August 2007

G.S.R. 540(E). - In exercise of the powers conferred by Section 129 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules to amend the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003, namely:-

1. (1) These rules may be called the Railway Passengers (Manner of Investigation of Untoward Incidents) Amendment Rules, 2007.

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

2. In the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003 (hereinafter referred to as the said rules),-

1. In rule 2, in sub rule (1),

(a) in clause (e) at the end, the words "or the Additional Divisional Railway Manager nominated by him" shall be added;

(b) after clause (j), the following clause shall be inserted, namely:-

"(ja) 'Officer of the Force' means the authorized officer as defined in clause (c) of Section 2 of the Railway Property (Unlawful Possession) Act, 1966 and clause 26A of Section 2 of the Railways Act, 1989;"

(c) for clause (f), the following clause shall be substituted, namely :-

"(f) 'Divisional Security Commissioner' means an officer, not below the rank of a Commandant, who is the head of the Force of a Division, Or a Railway Establishment at any other place connected with the Railways";

(d) clauses (m) and (n) shall be omitted.

2. In the said rules for rule 4, the following rule shall be substituted, namely: -

"4. Duties of Station Superintendent, Guard, Conductor and Train Ticket Examiner incharge of the train.

(1) If an untoward incident occurs at the station, the concerned Station Superintendent shall immediately arrange for medical assistance to the injured passengers and report such incident within twenty-four hours of the occurrence to the Divisional Security Commissioner in Form-I.

(2) If an untoward incident occurs in the mid-section, the Guard of the concerned train shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).

(3) In case the Guard is injured in an untoward incident, the Conductor of the concerned train shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).

(4) In case both the Guard and the Conductor are injured in an untoward incident, the Train Ticket Examiner incharge shall inform the Station Superintendent of the nearest station who shall perform the duties referred to in sub-rule (1).

(5) If an untoward incident occurs in mid-section, in the absence of officers mentioned in sub-rules (2), (3) and (4), the Station Superintendent, if it comes to his notice, shall perform the duties referred to in sub-rule (1)."

3. In the said rules, rule 5 shall be omitted.

4. In the said rules, in rule 6,-

(a) in clause (iii), for the words "in-charge", the words "Divisional Security Commissioner" shall be substituted; (b) clauses (iv) and (v) shall be omitted.

5. In the said rules, in rule 7,-
 - (a) in sub-rule (1), the words "not below the rank of Inspector" shall be omitted.
 - (b) in sub-rule (1), for dal:1Se (ii), the following clause shall be substituted, namely :"(ii) obtain a copy of the report specified under clause (iii) of rule 6";
 - (c) in sub-rule (2) for the words "on completion of tt'1e investigation shall", the words "shall complete the investigation within sixty days and" shall be substituted.
 - (d) in sub-rule (2) for the word "authorities", the word "authority" shall be substituted.
6. In the said rules, in rule 10. -
 - (a) in sub-rule (2), the words "Divisional Railway Manager and" shall be omitted;
 - (b) after sub-rule (2), the following sub-rule shall be inserted, namely :-

"(3) The Divisional Security Commissioner shall submit the report to Divisional Railway Manager within fifteen days of the receipt of report of investigation from officer of the force."
7. In the said rules, in rule 11, in sub-rule O), for the words "shall immediately examine the same", the words "mentioned in sub-rule (3) of rule 10 shall examine the same within fifteen days" shall be substituted.
8. In the said rules, for rule 13, the following rule shall be substituted, namely:-

"13. Sending report to Claim Office - (1) The investigation report along with acceptance of Divisional Railway Manager thereon shall be sent within fifteen days to the administrative in-charge of the Claim Office of the Zonal Railway where the incident has occurred.

(2) The administrative in-charge of Claim Office of the Zonal Railway who has received the notice of claim for that particular incident shall arrange to collect the report from the claim office of Railway where the incident has occurred and submit the same to the concerned Bench of the Railway Claims Tribunal along with the Written Statement."

[F. No. 2001/TC-III/26/45/RC]

B. L. MEENA, Executive Director (Public Grievances)

Note:- The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 646(E), dated the 8th August, 2003.