

GSR 646 (E) RAILWAY PASSENGERS (MANNER OF INVESTIGATION OF UNTOWARD INCIDENTS) RULES 2003.

The Gazette of India No. 381] AW'IRÅORDINÆRY PART (i) 8, 2003/mq 1925 NEW DELHI, FRIDAY, AUGUST 8, 2003 1897 (1989 24) 129 2003 2. 2 1989 (1989 24) t; 1987 2253 Gi/200.3 (i) tPART11--SEC.3 'l (z) (3) (2) GATTEOFINDIA:FXTRAORDINARY @qlét' 123 (T) ggi i; For: Il—vaz 3(i)] (i) ('if) (iii) (iv) (v) 3 gf?Nt nfäfiF qæ, öfN gfä* 4 (ii) (iii) (iv) (v) THE GAZETTE OF INDIA : EXPIRAORDINAP.Y (PART IPSEC* 31 qftfü•fäzri *qr. Rqié 6 (iii) 1973 (2) XJfrä7, (1) 1973 11. 5 2. 3. 4. (2) Tai, q?, 12. : 13, : Rüé, Gi. 111/26/45/37Tq 4 qré qrer 6 6. 8. 9. 1. (q) (q) (g) THE GAETTE OF : FXPRAORDINARY -Fifi • fitr 'l .1 7 2. (q) (q) (q) 3. (q) (71) g (v) (7) Efr : ftJT fiürr prr8t, 8 GAZETTE OF : EXTRAORDINARY MINISTRY OF RAILWAYS NOTIFICATION New Delhi, •the 8th August, 2003 G.S.R. exercise of the powers conferred by section 129 of the Railways Act, 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 These (1) rules may be called the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003. (2) 2, (b) (c) (d) They shall come into force on the date of their publication in the Official Gazette. Definitions (1) In these rules, unless the context otherwise requires, 'Act.' means the Railways Act, 1989 (24 of 1989); 'Claims Tribunal' means Tribunal constituted under the Railway Claims Tribunal Act: 1987; 'diaty' means the station diary being maintained by the Station Superintendent for recording daily events happened at the station; 'Divisional Office' means the divisional headquarter of the Zonal Railway; 'Divisional Railway Manager' means the administrative in-charge of the divisional office; 9 means (0) (g) (h) (k) (m) (o) (2) Security Commissioner 'Divisional administrative in-charge of the force of Divisional Office; 'Force' means the Railway Protection Force; 'Form' means the Form appended to these rules; 'inquest Report' means the report prepared by the police containing details of incident; 'Jama Talashi' means the report about the recovery of any belongings of the person 'affected by the untoward incident; 'Police' means a State police; 'Station Superintendent' includes Deputy Station Superintendent, Station Master and Assistant Station Master or other officer being in charge of the station; 'Supervisor' means of the guard or driver or Train Ticket Examiner booking office; '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; 'untoward incident' means an incident defined under clause (c) of section 123 of the Act; and Zonal Railway' means a zonal railway constituted under section 3 of the Act. 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. 22.53 GAZETTE OF INDIA : 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, - (ii) (iii) (v) make necessary entries to this effect in the station diary; arrange for medical assistance to the injured passengers; 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; carry out technical survey of the untoward incident himself or through his representative; and depute his representative to assist the force to complete the process of investigation. 3.0)) 7. Conducting of investigation and submission of report by the Force 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, 11 (iii) (iv) (v) (2) The obtain copies of the inquest report, post mortem report and Jama Talashi report from the police investigating the incident; obtain copy of the technical survey carried out by the railway official nominated by the Station Superintendent; obtain information about the untoward incident in Form O; record statement of additional witnesses, if required; collect any other evidence required by the circumstances of the case. officer of the Force, on completion of the investigation, shall

submit a report to the authorities specified under sub-rule(2) of rule 10. Conducting of investigation and submission of 8. report by the (d) The police on receipt of the report under clause (iii) of rule 6, shall immediately 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(d), 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.

12. 9. GAZETTE OF INDIA : EXTRAORDINARY 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 a] 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 (1) The Divisional Railway Manager, on receipt of the report, shall immediately examine the same. (2) When, on examination, the Divisional Railway Manager is satisfied that the investigation is complete, he shall pass an order accepting the said report. If the Divisional Railway Manager has reason to believe (3) 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. 1. 2. 3. 4 5. k 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 rrc-111/26/45/Rc]

PADMAKSHI RAHEJA, Executive Director/Public Grievances (Railway) (Boaid) Form-I (See rule 4)

REPORT OF UNTOWARD INCIDENT

Kilometer at which untoward incident occurred Name of Driver of the train with Headquarter Name of Guard of the train with Headquarter . Name of Train Ticket Examiner of train, if posted: with Headquarter • Nature of the untoward incident (a) accidental fall (b) bomb blast (c) rioting/shootout others 6. Time of occurrence 7. Position of human body in relation to track Whether medical help was given to the injured 9. Whether train stopped or not : 10. Condition of doors and occupation of coach • Date Signature Name and designation . —sue. 1 (a) (b) (d) 2. (a) (b) (c) (d) 3. (a) (b) (c) (d) (g) (h) 0 (k) THE GAZETTE OF INDIA EXTRAORDINARY Formo (See rule 7) BRIEF PARTICULARS OF UNTOWARD INCIDENT In cases of death time and place the body was detected: position of the body in relation to the tracks: blood stains on ballast or engine, extent of the injuries and whether prima facie inflicted by a train or otherwise position of any clothing etc. found on or near the rails Name of informant, his parentage and address . In case of accidental falling or other untoward incidents kilometrage at which the passenger fell or person was knocked down . was the incident noticed by the Guard/Driver/TTE and the train stopped or was the alarm chain pulled to stop the train was the train backed to the incident spot how the injured or dead person was dealt with In case the passenger falling out: name, age, sex and address of the passenger with the particulars of ticket, if any, held if child also give the name and address of the guardian at the time, and his relationship to the child where was the person or child seated or standing at the time last seen by fellow passengers . owning railway painted number* compartment number, type description and position of the carriage from the engine condition of doors officer of the Force on train brief statement of the injured person containing cause of accident name and signature of the passenger in whose presence the statement is recorded in the case of a child the name and signature of guardian : statement of co-passengers type of injuries sustained by the injured i.e. temporary permanent, partial or complete disablement Signature Name and designation Date printed by .1t".!

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