

CHAPTER – IX

ACCIDENT INQUIRY

I. TYPES AND LEVEL OF INQUIRIES

9.01. The object of an inquiry. –

- (a) The main object of an inquiry is to ascertain the cause of an accident and to formulate proposals for preventing a recurrence; and also to ascertain if any inherent defect in the system of working or in the physical appliances, such as, track, rolling stock and other working apparatus and to propose measures in rectifying the defects and irregularities.
- (b) Another object of an inquiry is to ascertain whether there has been any negligence or avoidable delay in rendering relief to the injured, arranging necessary facilities to other passengers and restoring the communication etc.

9.02. (a) Types of inquiries. –

- (i) Commission of Inquiry appointed by the Central Government.
- (ii) Commissioner of Railway Safety Inquiry.
- (iii) Magisterial/Judicial Inquiry.
- (iv) Departmental Inquiry.
- (v) Joint Inquiry.

(b) Level of Enquiry :-

- (i) All serious accident shall be inquired into by the Commissioner of Railway Safety or Chief Commissioner of Railway Safety.
- (ii) In case Commissioner of Railway Safety or Chief Commissioner of Railway Safety is not in a position to inquire into serious accident case, the Inquiry should be done by JA Grade Officers formed in consultation with CRS/CCRS with DRM as the accepting authority subject to the review by CSO.
- (iii) All cases of collisions falling under A-1 to A-4 categories shall be inquired into by Committee of SAG Officers with General Manager as accepting authority unless the same is being inquired into by CRS or CCRS.
- (iv) All other consequential train accidents except Unmanned Level Crossing accidents shall be inquired into by a Committee of JA grade Officers and in its absence by Branch Officers. DRM shall be the accepting authority for these inquiries subject to review by CSO.
- (v) Consequential Unmanned Level Crossing accidents and all other train accidents shall be inquired into by a Committee of Senior Scale or Junior Scale Officers as decided by respective DRMs with DRM as accepting authority.
- (vi) All yard accidents shall be inquired into by a Committee of Senior Supervisors with Sr.DSO/ DSO as accepting authority..

- (vii) The cases of Signal Passing At Danger shall be enquired by a JA grade Committee of Officers at divisional level with Sr. DSO/DSO as one of the members. All other cases of indicative accidents shall be inquired into by a Committee of Senior or Junior Scale Officers with DRM as the accepting authority.
- (viii) General Manager or DRM can have the inquiry conducted by a Committee of higher level of officers than the above mentioned levels depending upon the seriousness of accident.
- (ix) All cases of Equipment Failure shall be inquired into by Senior Supervisors/ Supervisors of respective departments.
- (x) All inquiries will be ordered by the concerned DRM except for inquiries into collisions as per item (iii) as above wherein General Manager will order the inquiries.
- (xi) In case of an inquiry by a committee into a fire accident in Railway Premises or in a train leading to damage to Railway property and/or booked consignments, a nominated representative of the Railway Protection Force should also be included as a member of the Committee.

9.03. Commission of Inquiry appointed by Central Govt. —

The Central Government may order a Commission of Inquiry to inquire into very serious accidents under Commissions of Inquiry Act, 1952 (60 of 1952).

9.04. Commissioner of Railway Safety Inquiry –

- (a) Where the Commissioner of Railway Safety receives notice under section 113 of the Indian Railways Act (1989), 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. For further clarification, the rules contained in Part-III of this chapter and instructions issued from time to time in this regard should be referred.
- (b) The Divisional Railway Manager of the Division concerned, on being advised by the Chief Safety Officer's office about the date, time and place of the CRS's inquiry, will specially arrange to intimate the concerned Civil and Police officials in this regard. He will also make all suitable arrangements for holding such inquiry as well as for attendance of all witnesses and submission of relevant documents (Appendix-4) at the inquiry. The guideline contained in Part-III of this chapter may be referred in this connection.
- (c) The General Manager will arrange to depute an Administrative Officer of any of the concerning department to be present at the inquiry of Commissioner of Railway Safety. Senior officers concerned of the division should also be present at the inquiry. The presence of these officers is intended to assist the Commissioner of Railway Safety in the course of the

inquiry by producing upto date rules and instructions, as also to explain the procedure in vogue on the division/ Railway. However, they may not be present in the inquiry room unless desired by the CRS.

- (d) If, for any reason, the Commissioner of Railway Safety is unable to hold the inquiry at an early date after the occurrence of such an accident, he may also ask the Head of the Railway Administration concerned to hold a joint enquiry and submit to him the proceedings of the inquiry.
- (e) Rules contained in para 11 and para 12 of appendix -3 of the manual and instructions issued from time to time in regard to the action to be taken by the Railway Administration on receipt of the inquiry report of Commissioner of Railway Safety, should be followed.

9.05. Magisterial Inquiry

Whenever an accident, such as is described in section 113 of the Act, has occurred in the course of working of a railway, the District Magistrate or any other Magistrate who may be appointed in this behalf by the State Government, may either-

- (a) himself make an inquiry into the causes which led to the accident; or
- (b) depute a subordinate Magistrate, who if possible, should be a Magistrate of the first class, to make such an inquiry; or
- (c) direct investigation into the causes which led to the accident, to be made by the police.

Provided that where, having regard to the nature of the accident, the Central Government has appointed a Commission of Inquiry into it 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, a Magistrate or a police officer shall not make his inquiry or investigation under this rule and, where he has already commenced the inquiry or investigation, shall not proceed further with it; and such Magistrate or police officer shall hand over the evidence, records or other documents in his possession relating to the inquiry or investigation to such authority as may be specified by the Central Government in this behalf.

9.06. Judicial Inquiry-

A magistrate, making an inquiry under rule 17 of Appendix-3, may summon any railway servant, and any other persons whose presence he may think necessary, and after taking the evidence and completing the inquiry shall, if he considers that there are sufficient grounds for holding a judicial inquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident.

9.07. Departmental Inquiry :

If any department of the railway administration concerned accepts the responsibility of the accident, it shall be the duty of the Head of the department responsible for the accident to make an inquiry called 'Departmental Enquiry' as he may consider necessary. If his staff or the system of working is at fault, he shall adopt or suggest such measures as he may consider necessary for preventing a recurrence of similar accidents.

II. JOINT INQUIRY**9.08. Types of Joint Inquiries —**

- (a) Joint inquiry may be of the following types :—
 - i) Senior Administrative Officers' Inquiry,
 - ii) Junior Administrative Officers' Inquiry ;
 - iii) Senior Scale Officers' Inquiry ;
 - iv) Junior scale Officers' Inquiry ;
 - v) Senior Subordinates Inquiry ;
- (b) In any of the above mentioned joint inquiry, the representatives of Traffic, Mechanical and Civil Engineering should normally be the member of the inquiry Committee except otherwise directed, in case of train accidents. If the Signal and Telecommunication, Electrical and/or any other department is involved in an accident their representative should also be associated as members. If Sr. DSO is in inquiry committee, another official from concerned department to which Sr. DSO belongs is not necessary.
- (c) In case of joint inquiries by the Senior subordinates or by the Divisional Officers, the Divisional Railway Manager /ADRM will arrange to nominate the members of the inquiry committee and convey to all concerned the date, time, and place of the inquiry in to the accident.
- (d) In the cases of joint inquiries by the administrative officers of Headquarters, the General Manager or his authorised representative will nominate the members of the inquiry committee. However, the Chief Safety Officer will arrange

to process the case and convey the date, time and place etc., of the inquiry to all concerned.

- (e) All the concerned officials as mentioned in sub-para(c) and (d) above shall be inclusive of the following officers, in addition to those who are to attend the committee and arrange the presence of witnesses, in the cases specified in para 9.10(a).
 - i) D.C., D.M, S.D.O as the case may be in whose jurisdiction the accident occurred, or such other officer as the Local Government may appoint in this behalf.
 - ii) OC/GRP and OC/Local Police concerned.
 - iii) CRS-S.E. Circle.
 - iv) COM, CME, CEE, CSTE, PCE AND CCM.
- (f) The date and time at which the joint inquiry will commence shall be fixed so as to give sufficient time for all concerned officials to reach the place of inquiry with all necessary documents. However, the date fixed shall not be later than the targets for commencement of inquiry fixed in para 9.19 and 9.20 of this manual unless otherwise directed by the competent authority.
- (g) No officer or subordinate official whose evidence is required to be deposed before the Inquiry Committee, should be nominated as a member of that committee except in real emergencies. This exception should be allowed only under the orders of Divisional Railway Manager who before permitting the deviation should satisfy himself that it is neither possible to find another official

who could be nominated as member of the committee, nor would it be desirable to nominate a lower class official. In such cases, the evidence of the official who is a member of the committee should be recorded before the evidence of any other witness is taken.

- (h) The seniormost officer or subordinate being a member of the Inquiry Committee shall be the President of the committee. He shall be primarily responsible for conducting the inquiry, coordinating the evidence and for ensuring the correctness of the proceedings and findings.
- (i) When a date is fixed for joint inquiry, the officer or Senior subordinate concerned must take every step to have the enquiry completed. If for any unexpected and unavoidable reason, the nominated member is not in a position to attend the inquiry, he should immediately intimate the fact to the nominating authority, who should arrange another member to avoid postponement of the inquiry. In such an unavoidable circumstance, a suitable lower class official may be nominated. But joint inquiry and the recording evidence of staff should not be postponed merely because a member of the inquiry committee is unable to attend. In such an emergency and when the inquiry is likely to continue for more than a day, recording the evidence of important witness and non-important witness may be adjusted suitably.

However, in all cases where an inquiry is postponed or is not held at one stretch the reasons for postponement should be stated in the summarised note.

- (j) With a view to quick finalisation, an inquiry once started should continue till it is completed, unless a postponement is necessitated by such reasons as absence of staff, whose evidence cannot be dispensed with, etc.
- (k) Officers and subordinate officials concerned must take all possible measures to ensure attendance of the witnesses in the joint inquiry. The witnesses must be spared in a suitable time so as to attend the inquiry with all relevant papers, etc.
- (l) Railway employee involved in an accident or whose evidence is required in connection with an accident, shall not be dismissed or allowed to leave the service until the final orders on the inquiry proceedings have been received from the competent authority.
- (m) When there is loss or damage to mail vans or mails, or mail staff are injured or dead, the Superintendent, Railway Mail Service concerned may be present at the inquiry, but will not be a member of the committee.
- (n) The responsibility for conveying information of an inquiry, for collection of the inquiry proceedings and their submission to the higher authorities within the target date and dealing with any further questions arising out of them shall however remain with the Safety Branch.

9.09. Constitution of Inquiry Committee —

- (1) The constitution of joint inquiry committee will, to a great extent, depend on the nature of accident. The committee will be formed normally as follows :—

- (a) The Officers comprising of -
 - (i) Senior Administrative Level,
 - (ii) Junior Administrative Level,
 - (iii) Senior Scale Officers,
 - (iv) Junior Scale Officers,
 - (b) Comprising of Senior subordinates.
- (2) Each Committee shall normally comprise of an Officer/ Senior subordinate belonging to Operating, Mechanical & Civil Engineering departments. In case, any other department is involved in an accident, the Officer/ Senior Subordinate of the department(s) concerned shall also be associated as member of the Committee.

9.10. When Joint Inquiry must be made.—

- (a) Joint Inquiries are invariably to be made in the following cases : —
 - (i) Any accident attended with loss of human life, or with grievous hurt or with substantial loss of railway property;
 - (ii) Any collision between trains of which one is a train carrying passengers ;
 - (iii) The derailment of any train carrying passengers or of any part of such a train;
 - (iv) Any accident of a description usually attended with loss of human life, or with grievous hurt or with serious injury to passenger or loss of property ;

- (v) Any accident of any other description which may be notified by the Railway Administration from time to time.

Provided that such joint inquiries may be dispensed with :—

1. If the inquiry is to be held by the Commissioner of Railway Safety under rule-2 of the Statutory investigation into Railway Accidents Rules, 1998; or
 2. A Commission of Inquiry is appointed under the Commissions of Inquiry Act, 1952 (60 of 1952); or
 3. Any other authority is appointed by the Central Government to enquire into it; or
 4. If there is no reasonable doubt as to the cause of the accident; and
 5. If any one department of the railway administration concerned intimates that it accepts all responsibility in the matter, and
 6. Except if otherwise directed by competent authority at Head quarters.
- (b) Where such joint inquiry is dispensed with under clause (iv) and (v) above, it shall be the duty of the Head of the department of the Railway Administration responsible for the accident to make such inquiry (be called a 'Departmental Inquiry') as he may consider necessary, and if the staff or the system of working is at fault, to adopt or suggest such measures as may be considered necessary for preventing a recurrence of similar accidents.

9.11. Notice of joint inquiry- Whenever a joint inquiry is to be made, the Head of the Railway Administration concerned shall cause notice of the date and hour at which the inquiry will commence, to be given to the following officers, namely :—

- (1) (a) the District Magistrate of the district in which the accident occurred or such other officer as the State Government may appoint in this behalf, the Superintendent of the Railway Police and the District Superintendent of Police;
- (b) the Commissioner of Railway Safety for the section of the railway on which the accident occurred; and
- (c) the Head of the Railway Police having jurisdiction at the place where the accident occurred or, if there are no Railway Police, the officer-in-charge of the police station having jurisdiction at such place.

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

(3) When a joint inquiry is held into an accident after receipt of information about the inability of the Commissioner of Railway Safety to hold an inquiry, under sub-rule (5) of rule 2 of the Statutory Investigation in Railway Accidents Rules, 1998, the Head of the Railway Administration concerned shall issue a Press Note in this behalf inviting the public to tender evidence at the inquiry or send information relating to the accident to the Joint Inquiry Committee at an address specified in the Press Note.

9.12. Report of joint inquiry or departmental inquiry to be sent to the Head of the Railway Administration and the action to be taken thereon-

(1) As soon as any joint inquiry or departmental inquiry has been completed, the President of the Committee of Railway officers or the Head of the department, as the case may be, shall send to the Head of the Railway Administration concerned a report containing inter alia-

- (a) brief description of the accident;
- (b) description of the locality of the accident;
- (c) detailed statement of the evidence taken;
- (d) the conclusions arrived at together with a note of dissent, if any;
- (e) reasons for conclusion arrived at;
- (f) the nature and extent of the damage done;
- (g) when necessary, a sketch illustrative of the accident;
- (h) the number of railway servants killed or injured;
- (i) the number of passengers killed or injured;
- (j) an appendix containing extracts of the rules violated by the staff responsible for the accidents.

(2) The Head of the Railway Administration concerned shall forward, with his remarks as to the action that is intended to be taken in regard to the staff responsible for the accident or for the revision of the rules or the system or working, a copy of the report referred to in sub-rule (1)-

- (a) to the Commissioner of Railway safety for the section of the railway on which the accident occurred;
- (b) if no inquiry or investigation has been made under rule 17 or if a joint or departmental inquiry has been held first, to the District Magistrate or the officer appointed under clause (a) of sub-rule (1) of rule 14; and
- (c) if any judicial inquiry is being made, to the magistrate making such inquiry.

(3) The copy of the report aforesaid shall be accompanied-

- (a) in the case referred to in clause (b) of sub-rule (2), by a statement of the persons involved in the accident whose prosecution the Head of the Railway Administration concerned considers to be desirable;
- (b) in the case referred to in clause (c) of sub-rule (2) by a copy of the evidence taken at the inquiry.

9.13. Inquiry into accidents at interchange/ junction stations, etc.—

- (a) Accidents occurring at interchange/ junction stations should be treated as accidents of the working railway and the responsibility for initiating and conducting inquiry as also finalising the inquiry proceedings should devolve on the Railway Working the interchange/ junction stations. In case a train belongs to the using Railway or worked by staff belongs to the using

Railway is involved in an accident, the official concerned of the Railway working the station must inform the other Railway concerned, and an officer or a subordinate as the case may be of the appropriate level of the using Railway should be appointed as a member of the Inquiry Committee.

- (b) In case of an accident to a train with running power, the responsibility for initiating and conducting inquiry as also finalising the inquiry proceedings should devolve on the working Railway. An officer or a subordinate as the case may be of the appropriate level of the Railway exercising the running powers should be appointed as a member of the Inquiry Committee. Similar procedure should also be followed in the case of trains which are not with running powers but worked by staff of other Railway.
- (c) Whenever an officer or a subordinate of an other Railway is appointed as a member of the Inquiry Committee constituted by a Railway, at least four copies of the complete inquiry proceedings should be given to the officer or subordinate.
- (d) If the inquiry committee holds the staff of other railway responsible for the accident, the case should be put up to AGM or SDGM for acceptance through PHOD of the concerned department of the railway on which the accident took place. All such cases should be process through CSO. In case, both AGM and SDGM posts are not available, Chief Safety Officer will act as accepting authority.

- (e) In case the divisional officers do not accept the findings arrived at by the Inquiry Committee constituted by the other railway, they shall submit a detailed report to their own Headquarters.

9.14. Proceedings of Joint Enquiry Committee.—

- (a) The members of the Enquiry Committee shall be very careful regarding the main objects of joint inquiry and satisfy themselves in this respect while conducting the inquiry and finalising the proceedings.
- (b) The president of the Inquiry Committee will, at the outset, warn all witnesses against giving untruthful or false statement or trying to conceal facts, and bring to their attention that failing which, they would render themselves liable to severe disciplinary action. A certificate signed by the president to this effect is to be forwarded with the proceedings. The text of the certificate should be worded as shown below :—

Certificate of Warning

Certified that all non-gazetted staff who were witnesses in this enquiry were warned that giving untruthful or false evidences would render them liable to severe disciplinary action including removal from service.

President.....

Date.....

- (c) A witness is expected and should be permitted to make a full statement of all the facts, relevant to the case and must not try to conceal or evade facts.
- (d) The evidence of the witness should be recorded as a connected narrative and subsequently amplified by question and answer. However, the evidence should not be lengthened out unnecessarily. One should clearly have in his mind the point that is sought to be clarified and the questions should be put in a logical manner so that the answers may lead to the definite point. The language should be simple and clear. No abbreviations should be used. There should be no spelling mistakes or typing errors.
- (e) In case of witnesses who are incapable of giving coherent statements in correct English, their story should be heard by the committee and thereafter one of the members should dictate it to the typist so as to bring out the essential facts in a logical sequence and without grammatical mistakes.
- (f) At the end of every statement, there should be a proper certification, i.e., "read and accepted as correct" or "read, explained and accepted as correct", as the case may be. The President should sign on the right hand side under designation "President" with date. On the left hand side, the witness will sign over the words "signature of witness" unless the witness is illiterate in which case the words should be "left thumb impression of witness". Each sheet should also be provided with initial or left thumb impression of witness

and be initialled by the president if more than one sheet is used.

- (g) When a witness is sick or injured in an accident necessitated his admission into hospital, endeavours should be made by the president of inquiry committee to ascertain from the medical authorities whether the witness is fit to make a statement, and with the approval of medical authorities, the inquiry committee or any member of the committee may visit the injured or sick person in the hospital and obtain a brief statement from him.
- (h) If any witness is physically unfit to attend the inquiry, the inquiry committee or any member of the committee should visit him and obtain his statement.
- (i) The President of the inquiry committee should ensure to make enough copies of the proceedings, so as to submit three copies to the Chief Safety Officer's Office, two copies for Sr. DSO's / DSO's Office and few copies spare.

9.15. Documents to accompany the proceedings.—

- (a) Every inquiry proceedings should have the following documents in the order shown below and the list of the documents should be entered in an index.
 - (i) Title page and particulars of accident,
 - (ii) History of the accident,
 - (iii) Description of the site of accident,

- (iv) Sketch of site of accident (atleast fullscape size),
- (v) Findings, and reasons for conclusions arrived at,
- (vi) Note of dissent, if any.
- (vii) Recommendation of the Inquiry Committee,
- (viii) Statement of witnesses with a list, and analysis of evidence separately.
- (ix) Information regarding readings of track, engine and wagons/ vehicles, etc. as per the format given in appendix-2,
- (x) Plan of accident site and /or other drawing in cases of serious accidents or in which the issue is complicated,
- (xi) List of passengers killed or injured separately,
- (xii) List of Railway employees killed or injured,
- (xiii) List of damages to locomotive, rolling stock, permanent way, OHE, S&T gears etc. with estimated cost,
- (xiv) Relevant extracts from train register/log book, station diary, guard's rough journal and other necessary documents, as also extracts of the rules violated,
- (xv) Note of any serious or important discrepancy which may exist or as brought out at the inquiry,
- (xvi) Bio-data of staff held responsible,
- (xvii) Relief and restoration,

(xviii) Any other item of interest of any documents as directed from time to time.

- (b) All the above mentioned documents must be signed by the president of inquiry committee. Other instructions in regard to the preparation of the documents should be followed as provided in para 9.21 of this Manual.

9.16. Submission of proceedings of joint inquiries to Head Office.—

- (a) The seniormost Divisional Safety Officer should personally see all papers of joint inquiry proceedings before they are submitted to CSO Office and ensure submission within target date.
- (b) In case of inquiry conducted by the officers of Head quarters, the responsibility indicated in para (a) above will devolve on the president of the inquiry committee.

9.17. Action to be taken on the inquiry proceedings in the Head Office.—

Directives are issued from time to time regarding the procedure for taking action on the inquiry proceedings at the Head Office. However, a copy of inquiry report of the cases having important bearing on rules should be sent to the Principal, Staff Training Centres.

9.18. Bio-data of staff held responsible for the accident.—

- (a) While submitting detailed report on accidents or whenever asked for in connection with an accident, the following bio-data of staff held responsible must invariably be given :

- (i) Name of staff,
 - (ii) Father's name,
 - (iii) Date of birth,
 - (iv) Date of appointment and educational qualification,
 - (v) Category in which working at the time of accident,
 - (vi) Date of promotion to the present category,
 - (vii) Rest taken before he came on duty (headquarters rest and outstation rest in case of running staff).
 - (viii) Time at which he came on duty (also time of actual departure of the train in case of running staff),
 - (ix) Last date of medical examination and next due date (including details of eye-sight),
 - (x) Date last refresher course completed and next due.
 - (xi) Last rest/periodical rest taken.
 - (xii) Brief details of accidents in which he was previously involved and punishment awarded during last five years.
 - (xiii) Any other remarks regarding the staff,
 - (xiv) Marital Status.
 - (xv) Any other particulars as and when asked for.
- (b) Irrespective of the department to which the staff held responsible belongs, the particulars indicated in sub-para (a) above must be obtained and submitted. The Divisional Safety Officer should ensure this.

9.19. Prompt finalisation of accident cases. —

- (a) It is necessary that all accident cases should be finalised in all aspects including disciplinary actions and implementation of recommendations within three months from the date of occurrence and in no case should this limit be exceeded.
- (b) The following targets must invariably be followed in submission of accident reports, commencement/ completion of enquiries and submission of inquiry proceedings etc. in case of enquiries conducted by the Railway Administration 'D' indicates the day of accident.
- | | | | |
|-------|--|-----|------------|
| (i) | Commencement of inquiry | ... | D+3 days |
| (ii) | Completion of inquiries and submission of proceedings to Sr.DSO/DRM | ... | D+7 days |
| (iii) | Submission of preliminary/ detailed report to Railway Board, CRS and GM/CSO as the case may be | ... | D+10 days. |
| (iv) | Submission of inquiry proceedings to CSO/GM | ... | D+20 days |
| (v) | Submission of final report to Railway Board and CRS | ... | D+27 days |
| (vi) | Finalisation of accident cases in all respects | ... | D+90 days |

9.20. Target for CRS inquiry. —

- (i) D Day of Accident.
- (ii) D+3 Commencement of inquiry.
- (iii) D+10 CRS will forward a brief preliminary narrative report, provisional finding and immediate recommendations to CCRS, GM of Railway concerned, Secretary (Safety), Ministry of Railway and Secretary, Ministry of Civil Aviation.

On receipt of the Preliminary Report in Railway Board, same will be forwarded to Directorates concerned for suitable action on immediate recommendations.

- (iv) D+30
 - (a) GM of Railway concerned will furnish his Railway's remarks along with the action taken report to CRS and Secretary (Safety), Railway Board.
 - (b) Action taken by Directorates in Railway Board be communicated to the Safety Directorate.
- (v) D+60 CRS will submit his detailed report to CCRS and forward a copy of the report to each of authorities mentioned in the rule 4 of the Statutory Investigation into Railway Accident Rules, 1973.

On receipt of final report, it will be put up to Board and marked to Directorate concerned for action on the Inquiry Report. The Directorate concerned

shall take suitable action on recommendations and will guide zonal Railways on important policy matters.

- (vi) D+90 On receipt of the final Inquiry Report, GM of Railway concerned shall forward his comments on the Final Inquiry Report to CRS with copy to CCRS and Railway Board.

On receipt of final inquiry report, Safety Directorate will forward views of Safety Directorate to CCRS.

- (vii) D+110 CCRS will submit his note on inquiry report to Secretary/Ministry of Civil Aviation forwarding simultaneously copies thereof to Railway Board. Comments of CCRS will be forwarded to different Directorates for suitable action.

- (viii) D+140 Directorates concerned will submit action taken report on recommendations of CRS and comments of CCRS, after getting the same approved by the Executive Director concerned.

(a) In case recommendation has been accepted and instruction has been issued, 30 copies of the same should be forwarded to Safety Directorate.

(b) In case any recommendation is not acceptable, approval of the Board (Member concerned) must be obtained and communicated to the Safety Directorate.

- (ix) D+180 Railway Board will communicate their views on the report to CCRS endorsing a copy to Zonal Railway.

Railway shall finalize D&AR inquiry and send details of staff held responsible along with details of punishment imposed in each individual case.

9.21. Instructions for preparation of documents for the proceedings of inquiries. —

- (a) The following instructions are to be followed in the preparation of documents for inquiry proceedings.
- (i) Title page and particulars of accident.
 - (ii) **History of the accident** : This should be a concise account, in narrative form of all relevant points brought out during the inquiry. No comment should be made in this document, on the evidence or the reliability of witnesses or to fix responsibility.
 - (iii) **Description of the site of accident** : This should bring out all relevant points which are necessary to explain to a person who has not visited the site of accident, in understanding the location, nature and result of the accident.
 - (iv) **Sketch of the site of accident** : The sketch of the site of accident should at least be of fullscape size and shall indicate the north point, kilometrage, station or between stations, lines, sidings, points, signals, curves, gradients, direction of movement,

point of mount and drop and distance travelled after the drop, position of level crossing with its gate and signals if any, position of vehicles and other necessary measurements, as also any other relevant information which is referred to in the inquiry proceedings. In addition to the engineering officer, the sketch should be signed by the President of Inquiry Committee.

- (v) **Findings** : This should be clear, brief and to the point showing.
- (a) the cause of the accident,
 - (b) the rule or rules violated by each person, if any,
 - (c) the staff held responsible.

It is essential that the cause of accident must be ascertained in all cases of accidents and the reasons of arriving at the findings should be fully discussed in the "Remarks and reasons for finding" column.

The rules violated should be extracted at the bottom of the page for ready reference.

The original copies of the findings must be signed by all the members of the inquiry committee at the place of inquiry and the subsequent typed copies should be endorsed "signed by".

- (vi) **Note of dissent** : If a member of the inquiry committee is unable to agree with the findings wholly or partly, he may record a note of dissent and reasons thereof.
- (vii) **Recommendation of the committee** : Wherever considered necessary, the inquiry committee may submit any recommendation in regard to the cause of the accident and availability of evidence, etc. However, the recommendation should be well thought of and based on facts. This should be signed by the members of inquiry committee. If there is no recommendation to make, a 'NIL' document should be submitted.
- (viii) **Statement of witness** : Explained in para 9.14 of this manual.
- (ix) **Reading of track, engine and wagon/ vehicle:** Explained in para 6.14, 7.04, 7.05 and Appendix-2 of this Manual.
- (x) **List of passengers or Railway employees. killed or injured** : Explained in para 6.09 of this Manual.
- (xi) **List of damages and cost there of** : The list of damages should accompany the proceeding, if available in time, but in any case should be submitted as soon as possible. The approximate cost of damages should, however, always be submitted with the proceedings.

- (xii) **Relevant extracts** : The relevant extracts of train register/log book, station diary, guards rough journal and other necessary documents should invariably be given where these will assist in arriving at a conclusion as to the cause of the accident or speed of the train or violation of any rules or instructions, etc.
 - (xiii) **Bio-data of staff** : Explained in para 9.18 of this Manual.
 - (xiv) **Relief and restoration** : If any discrepancy in the arrangement of relief and restoration work, should be brought out.
 - (xv) **Matter brought to light** : Observation on some important matters brought out in course of the inquiry should also be included. A 'NIL' document should be submitted when there is nothing to state.
- (b) The date of initiation of the inquiry and finalisation and also the location where the inquiry held should be furnished in the proceedings.
 - (c) Videofilm and Photographs of the site of serious accidents wherever taken should also be submitted as explained in para 6.14 (iii) of this manual.

9.22. Instructions and guidance to Inquiry Committee in conducting inquiry.—

The Inquiry Committee shall carefully go through the points given below in addition to the points mentioned in appendix-2 of this manual and agree among themselves as to

what points are obviously irrelevant. Only those items which are relevant to the accident under inquiry shall be included and the same to be borne in mind in course of inquiry and brought out in evidence.

- (a) **Permanent Way** (Refer appendix-2, para A).
 - (i) System of maintenance of permanent way on the section concerned.
 - (ii) In case of breakage of rails or other fittings of the track was the suspected cause or cause of the accident, was the broken metal subject to a chemical or physical test about the quality and strength of the metal, if so, what was the result of the test and date on which broken rail was laid.
- (b) **Carriage and wagon** (Refer appendix-2, para-B and C)
 - (i) Type and condition of couplings.
 - (ii) Lighting arrangements on train and actual condition.
 - (iii) In case of breakage of any gear or failure of mechanism was the suspected cause or cause of the accident, was the broken metal or the mechanism subject to a chemical or physical test and if so, what was the result of the test.
- (c) **Locomotive** (Refer appendix-2, para-D)
- (d) **Signalling and interlocking** (Refer appendix-2, para – E)
 - (i) Type of signalling and interlocking, sighting of signal concerned for approaching train as also from the place of work.

- (ii) Type of Block Instruments in use and their condition.
- (iii) Nature of Station Master's control.
- (iv) Time of lighting and condition of the signal lamps and indicators.

(e) Level crossing (Refer appendix-2, Para-F)

- (i) Was the handsignals of the gatekeepers and other equipments in order ?
- (ii) Was the train or engine running long or short hood in case of diesel locos ?
- (iii) Was the engine head light burning at the time of accident ?
- (iv) was the train crew or the loco pilot or the driver of the road vehicle under influence of liquor or any drug?
- (v) Speed of the train and road vehicle when approaching the level crossing.
- (vi) Is any whistle board provided and did the Loco Pilot whistle ?
- (vii) Was the gateman in sober state and as per roster duty ?
- (viii) Whether the driver of the road vehicle could see the approaching train or the head light of the train/ engine or the station signals or hear the engine whistle? Could the Loco Pilot of the train see the approach of the road vehicle ?
- (ix) Was there any other road vehicle on the approach of the level crossing at the time of accident ? If so,

did the driver hear any whistle or see the approaching train ?

- (x) Was there any restriction while approaching the level crossing ? If so, was the restriction observed ? Was there any special rules for the level crossing in question ?
 - (xi) Was there any other eye witness of the accident, if so, what is his statement ? Direction of movement of the train and the road vehicle.
 - (xii) Condition of the surface at the level crossing and approach; distance between the two gate barriers.
 - (xiii) What was the census of road traffic from 6 to 18 hours and 18 to 6 hours separately for a period of seven days after the accident ?
 - (xiv) What is the average number of trains running on the section daily ?
 - (xv) Was there any fencing, if so, its condition?
- (f) Operating** (Refer appendix-2, para- F and G)
- (i) System of working
 - (ii) System of obtaining line clear. Was there any interruption ?
 - (iii) System of delivery of line clear to the Loco Pilot.
 - (iv) Whether the train was booked to run through or stop or to cross ?
 - (v) System of working of points, locks and signals. Was there any failure?

(g) Personnel (Refer appendix-2, para- H)

- (i) Whether the staff concerned are acquainted with the relevant rules and other instructions? Whether they are in possession of the prescribed rule books ?
- (ii) Whether the Loco Pilots and guard of the train are acquainted with the road? When they have worked over the section last ? Did they work the same train before ?
- (iii) Hours of work of the staff concerned at the time of accident.
- (iv) Refer para 9.18 also of this manual.

9.23. Joint Inquiry Report to Police -

Copies of accident reports or joint inquiries may be furnished on request to Superintendent of Police or Superintendent of Railway Police or to the officials deputed by them. Analysis of evidence, however, should be treated as a confidential documents. Instructions in this regard are communicated from time to time which should also be followed. However this report can not be produced or sited as a piece of evidence in the court of law.

9.24. Punishment to the staff responsible for accident. —

- (a) In addition to the specific stipulation in the Discipline and Appeal Rules, instructions relating to the punishment to staff responsible for accident, their assessment of adequacy and prompt imposition thereof, are issued from time to time. However, the punishment to the staff responsible for accident must be finalised and imposed promptly within scheduled time.

- (b) (i) There is no bar against the institution of departmental inquiries in cases under police or judicial investigation and these may be processed so long as the court has not taken cognizance of the offence.
 - (ii) In the event of the court having taken cognizance of an offence it is not necessary invariably to stay departmental proceedings because a criminal case is pending in a court of law on the same charges. Each case can be considered individually on its facts and circumstances to see whether it is really necessary to stay departmental proceedings till the conclusion of the criminal trial.
 - (iii) No firm guidelines can however, be laid down in regard to para (ii) above.
 - (iv) Proceedings may be initiated under DAR against staff responsible for rail accidents and if found guilty, appropriate punishments may be imposed notwithstanding the fact that the matter is pending in any court unless stayed by it.
- (c) No railway servant who is found to be responsible for the occurrence of an accident should be dismissed or allowed to leave the railway until the case is finally decided.

9.25. Acceptance of Findings of the Inquiry Committee —

1. General Manager shall be the accepting authority for all cases of SAG level enquiries.
2. (a) DRM shall be the accepting authority for the following inquiries subject to the review by CSO:-

- (i) JA grade inquiry committee ordered when the Commissioner of Railway Safety or Chief Commissioner of Railway Safety is not in a position to inquire into a serious accident case.
 - (ii) JA grade Officers / Branch Officers' enquiry Committee for all other consequential train accidents except Unmanned Level Crossing accidents and cases of Signal Passing at Danger.
- (b) DRM shall be the accepting authority for the following inquiries without review by CSO.
- (i) Senior Scale or Junior Scale officers enquiry for consequential unmanned level crossing accidents and all other train accidents not covered in clause (a) above.
 - (ii) Senior or Junior Scale Officers' enquiry on all cases of indicative accidents.
3. Sr. DSO/DSO shall be the accepting authority for Committee of Senior Supervisors enquiry in connection with all yard accidents.
4. In case of dissent note, the enquiry report even if accepted by the accepting authority as mentioned para 9.25 shall be put up to next higher authority for his views.
5. Enquiry reports after acceptance by DRM shall be put up to GM/AGM for perusal.

9.26. Staff of foreign railway held responsible —

In accident cases wherein the Inquiry Committee determines responsibility on the staff of Foreign Railway, the Inquiry Report should be put up to the AGM directly being the accepting authority. In case of absence of AGM post, SDGM may be nominated as accepting authority. In absence of post of SDGM also, CSO will act as accepting authority. Finalization of Inter-Railway DAR cases arising out of such inquiry reports should be followed up by the principal head of the department of the concerned department of the Railway on which the accident took place. If suitable response is not received from the respondent Railway at General Managers' level, then the case should be referred to Railway Board.

III. CRS INQUIRY

(The Govt. of India, Ministry of Tourism and Civil Aviation's Notification of dt. 17.12.98.)

G.S.R. 257 & 63 - 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 :-

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. Inquiry into a serious accident by the Commissioner of Railway Safety.- (1) (a) Where the Commissioner of Railway Safety receives notice under section

113 of the Railways Act, 1989 (24 of 1989) hereafter referred 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.

(b) While notify 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 to railway property of a value exceeding Rs. 2 Crores 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 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 foot-board 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 injury 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 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 special 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 jurisdictions 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, 1998, 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 alongwith 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 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 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 safety 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) to (v) of sub rule (1) of this Rule.

5. Publication of report - 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 an Inquiries into Accidents) Rules, 1998, 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 or 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 Accident) Rules 1998 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 section 7 and 8 of Act, 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 2.6.73, part II, section 3 are hereby repealed.

(2) Notwithstanding such repeal, any thing 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.

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