The Railway (Notices of and Inquiries into Accidents) Rules, 1998

1. Short title and commencement.—

(1) These rules may be called the Railway (Notices of and Inquiries into Accidents) Rules, 1998.

(2) They shall come into force on the date [1] of their publication in the Official Gazette.

2. Particulars to be given in the notices.—The notices mentioned in section 113 of the Railways Act, 1989 (24 of 1989) (hereinafter referred to as the Act), shall contain the following particulars, namely:—

(i) Kilometerage, or station, or both, at which the accident occurred;
(ii) time and date of the accident;
(iii) number and description of the train, or trains;
(iv) nature of the accident;
(v) number of people killed or injured, as far as is known;
(vi) cause of the accident, as far as is known; and
(vii) probable detention to traffic.

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3. Responsibility for sending notices, to whom to be sent and mode thereof.—Whenever any accident, as falls under section 113 of the Act (hereinafter referred to as "Reportable train accident") occurs in the course of working a railway, the Station Master nearest to the place at which the accident has occurred or, where there is no Station Master, the railway servant in charge of the section of the railway on which the accident has occurred or any other Station Master in charge of a section of a railway to whom the report of the accident is made, shall give notice of the accident by telegraph to the Commissioner of Railway Safety, the District Magistrate and the District Superintendent of Police of the district in which the accident has occurred or such other Magistrate or police officer as may be appointed in this behalf by the State Government concerned and by telegraph, telephone or through special messenger or such other quick means as may be available, to the Superintendent of Railway Police and to the officer-in-charge of the police station within the local limits of which the accident has occurred. Explanation.—For the purpose of this rule, "Reportable Train accident" under section 113 of the Act also includes those usually attended with loss of human life (such as accidents to passenger trains involving collisions, derailments, train-wrecking, or attempted train-wrecking, cases of running over obstructions placed on the line, of passengers falling out of trains or of fires in trains), or grievous hurt as defined in the Indian Penal Code (hereinafter referred to as the grievous hurt), or serious damage to railway property of the value exceeding twenty-five lakh rupees which have not actually occurred but which by the nature of the accident might reasonably have been expected to occur; and also cases of landslides or of breach by rain or flood which cause the interruption of any important through-line of communication for at least 24 hours.

4. Mode of sending notices to the State Government.—The notice of accidents, required under section 113 of the Act, to be sent without delay by the Railway Administration, shall be sent to the State Government—

(a) by telegram in the case of—

(i) accidents deemed, under the Explanation to Rule 3, to be serious by reason of loss of human life;
(ii) accidents by reason of which the permanent way is likely to be blocked for more than twenty-four hours; and
(iii) train-wrecking or attempted train-wrecking; and

(b) by letter in all other cases.

5. Railway servants to report accidents.—Every railway servant shall report, with as little delay as possible every accident occurring in the course of working the railway which may come to his notice and such report shall be made to the nearest Station Master, or, where there is no Station Master, to the railway servant in charge of the section of the railway on which the accident has occurred.

6. Station Master or railway servant in charge of the section to report accidents.—The Station Master or the railway servant in charge of the section, shall report all accidents in accordance with the rules laid down by the Railway Administration concerned for the reporting of accidents.

1[6A. Responsibility of ensuring correct reporting of accidents.—The responsibility of ensuring correct reporting of accidents shall be of the Divisional Railway Manager (DRM) at Divisional Level and the General Manager (GM) at Zonal Level.]

7. Railway Administration to report serious accidents.—
(1) Whenever a serious accident as defined in sub-rule (2) of Rule 2 of the Statutory Investigation into Railway Accidents Rules, 1998 occurs, the railway administration concerned shall, as soon after the accident as possible, by telegraph, supply to the Press such particulars as are mentioned in Rule 2 and as are till then available, and by supplementary telegrams if necessary, immediately after further information is available. A copy shall be sent simultaneously by express telegram to the Railway Board, the Commissioner of Railway Safety of the circle concerned and the Chief Commissioner of Railway Safety. In addition, the Commissioner of Railway Safety shall be informed, telephonically, of any serious accident, by the control of the division in which the accident has occurred.

(2) For the purpose of sub-rule (1), an accident shall be a serious railway accident where—

(i) accident to a train carrying passengers which is attended with loss of life or with grievous hurt to a passenger or passengers in the train, or with serious damage to railway property of the value exceeding Rupees Two Crore and any other accident which in the opinion of the Chief Commissioner of railway Safety or Commissioner of Railway Safety requires the holding of an inquiry by the Commissioner of Railway Safety, shall be deemed to be a serious accident. A workmen's train or a ballast train carrying workmen or cattle special train or a tower wagon or such other train carrying workmen or cattle special, military special carrying authorised escorts or similar such train shall be treated as a passenger train.

(ii) an accident involving a train carrying passengers leads to loss of life or grievous injury to any railway servant irrespective of whether he was travelling in that passenger train or not, it shall come under the purview of inquiry by the Commission of railway Safety and shall be treated as a serious railway accident': Provided that—

(a) cases of trespassers run over and injured or killed through their own carelessness or of passengers injured or killed through their own carelessness, and

(b) cases involving persons being railway servants or holding valid passes/tickets or otherwise who are killed or grievously injured while travelling outside the rolling-stock of a passenger train such as on footboard or roof or buffer but excluding the inside of vestibules between coaches, or run over at a level crossing or elsewhere on the Railway track by a passenger train, and

(c) collusion, between a Road Vehicle and a passenger train at a Level Crossing where no passenger or Railway Servant is killed or grievously hurt shall not be treated as a Serious Railway Accident even if those travelling in the road vehicle are killed or grievously hurt shall not be treated as serious railway accident, unless the Chief Commissioner of Railway Safety or Commissioner of Railway Safety is of the opinion that the accident requires the holding of an inquiry by the Commissioner of Railway Safety.

8. Facility for reaching the site of the accident.—Whenever any accident has occurred in the course of working a railway, the Head of the Railway Administration concerned shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under Rule 17 or to the Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952 (60 of 1952), or any other authority to whom all or any of the provisions of the said Act have been made applicable, and to the Commissioner of Railway Safety, medical officers, the police and others concerned to enable them to reach the scene of the accident promptly and shall also assist those authorities in making inquires and in obtaining evidence as to the cause of the accident.

9. Medical aid to the persons grievously hurt in accidents.—Whenever an accident, occurring in the course of working a railway, has been attended with grievous hurt, it shall be the duty of the Head of the Railway Administration concerned to afford medical aid to the sufferers and to see that they are properly and carefully attended to till they are removed to their homes or handed over to the care of their relatives or friends. In any such case, or in any case in which any loss of human life or grievous hurt has occurred, the nearest available local Medical Officer shall be sent for if such Medical Officer is nearer at hand than the Railway Medical Officer.

10. Arranging attendance of railway servants at the place of judicial inquiries or inquiries conducted by Commissioner of Railway Safety or a Magistrate.—When an inquiry under Rule 2 of the Statutory Investigation into Railway Accidents Rules, 1998, or under Rule 17 of these rules, or a judicial inquiry is being made, the Head of the Railway Administration concerned shall arrange for the attendance, as long as may be necessary, at the place of inquiry, of all railway servants whose evidence is likely to be required at such inquiry; and 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 the Head of the Railway Administration concerned shall,—

(a) cause notice of the date, hour and place at which the inquiry will begin to be given to the officers mentioned in clauses (a) and (c) of sub-rule (1) of Rule 14, and

(b) arrange for the attendance of the divisional officers, railway servants required as witness at the inquiry.

11. Action to be taken by Head of the railway Administration on receipt of the report of Commissioner of Railway Safety.—Whenever the Head of the Railway Administration concerned receives a copy of the report of the Commissioner of Railway Safety under Rule 4 of the Statutory Investigation into Railway Accidents Rules, 1998, he shall at once acknowledge its receipt, and—

(a) submit his remarks, on the views expressed in the report, to the Chief Commissioner of Railway Safety with copy to the Commissioner of Railway Safety immediately on receipt of the report by the Railway Administration and if he is not able to submit his remarks immediately he shall in his acknowledgment of the report indicate his intention to submit his remarks later a early as possible;

(b) if the Head of the Railway Administration concerned agree with the views expressed in the report and considers the prosecution of any person or persons desirable, he shall immediately forward a statement of such persons to the District Magistrate of the district in which the accident occurred, or to such other officer as the State Government may appoint in this behalf and to the concerned police authorities;

(c) in case the District Magistrate or Police Authorities require copies of the report, it may be sent to them, and the confidentiality of the report should be made clear to the District Magistrate Police Authorities, and the Police Authorities shall, as soon as possible, intimate the Head of the Railway Administration concerned about their decision regarding launching any prosecution.

12. Head of the Railway Administration to offer remarks on the suggestions made in the report of Commissioner of Railway Safety.—Whenever the report of the Commissioner of Railway Safety points to the necessity for or suggests a change in any of the rules or in the system of working of the railway, the Head of the Railway Administration concerned shall, intimate the action which has been taken, or which it proposes to take, to prevent a recurrence of similar accidents, to the Chief Commissioner of Railway Safety with copy to the Commissioner of Railway Safety.

13. Joint inquiry when dispensed with.—

(1) Whenever a reportable train accident, such as is described in section 113 of the Act has occurred in the course of working a railway, the Head of the Railway Administration concerned shall cause an inquiry to be promptly made by a committee of railway officers (to be called a "joint inquiry") for a thorough investigation of the causes which led to the accident: Provided that such an inquiry may be dispensed with—

(a) if any inquiry is to be held by the Commissioner of Railway Safety under Rule 2 of the Statutory Investigation into Railway Accidents Rules, 1998, or a Commission appointed under the Commissions 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 Commission of Inquiry Act have been

made applicable under Rule 2 of the said 'Statutory Investigation into Railway Accidents Rules, or

(b) if there is no reasonable doubt as to the cause of the accident; or

(c) if any department of the railway administration concerned intimates that it accepts all responsibility in the matter.

(2) Where such inquiry is dispensed with under clause (b) or clause (c) of the proviso to sub-rule (1), it shall be the duty of the Head of the Department of the Railway Administration responsible for the accident to make such inquiry (to be called a "departmental inquiry") as he may consider necessary and, if his staff or the system or working is at fault, to adopt or suggest such measures as he may consider necessary for preventing a recurrence of similar accidents.

14. Notice of joint inquiry.—

(1) 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:—

(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 into 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.

15. 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;

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(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 conclusions 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 skilled 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 of 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.

16. Reports of inquiries into accidents not covered by section 113 to be forwarded to Commissioner of Railway Safety.—
(1) Whenever any accident, not of the nature specified in section 113 of the Act, such as averted collisions, breaches of block rules or other technical accidents, occurs in the course of working a railway, the Railway Administration concerned may cause an inquiry, either a joint inquiry or a departmental inquiry, to be held into the accident.
(2) Where an inquiry is held as provided under sub-rule (1), the Head of the Railway Administration concerned shall forward a copy of the report of the inquiry to the Commissioner of Railway Safety for the section of the railway on which the accident occurred.

17. Magisterial inquiry.—Whenever an accident, such as is described in section 113 of the Act, has occurred in the course of working 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 to inquire 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.

18. Notice of Magisterial inquiry.—Whenever it is decided to make an inquiry under clause

(a) or clause (b) of Rule 17, the District Magistrate or other Magistrate appointed as aforesaid or the Magistrate deputed under clause (b) of Rule 17, as the case may be, shall at once inform the Head of the Railway Administration concerned and the Divisional Railway Manager by telegraph, of the date and hour at which the inquiry will commence so as to enable the Railway Administration to summon the requisite expert evidence, and thereafter, he shall proceed to the scene of the accident and conduct the inquiry.

19. Judicial Inquiry.—A Magistrate, making an inquiry under Rule 17, may summon any railway servant, and any other person 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.

20. The result of magisterial inquiry to be communicated to the Head of the Railway Administration.—The result of every inquiry or investigation made under Rule 17 shall be communicated by the Magistrate who has held such inquiry or investigation, to the Head of the Railway Administration concerned and to the Commissioner of Railway Safety.

21. Procedure for summoning railway servants to assist the Magistrate holding judicial inquiry.—

(1) If in the course of any judicial inquiry into an accident occurring in the course of working a railway, the Magistrate holding such inquiry desires the assistance of the Commissioner of Railway Safety or Head of the Railway Administration concerned, he shall issue a requisition to the Chief Commissioner of Railway Safety or the Railway Board, for the presence of the Commissioner of Railway Safety or the Head of the Railway Administration, stating at the same time the nature of the assistance required, and if the assistance of any Railway Officer is required the Magistrate shall issue a requisition to the Head of the Railway Administration for his attendance in the court.

(2) The requisition referred to in sub-section (1) shall state the nature of the assistance required. In summoning railway officials, the Magistrate shall take care not to summon on the same day so large a number of the employees, especially of one class, as to cause inconvenience to the working of the railway. In the case of serious accidents the Magistrate may obtain reports from the Commissioner of Railway Safety and the Head of the Railway

Administration concerned in regard to the accident, before finally concluding the judicial inquiry.

22. Communication of the decision of judicial inquiry to the Railway Administration, Commissioner of Railway Safety and the State Government.—On the conclusion of the judicial inquiry the Magistrate shall send a copy of his decision to the Head of the Railway Administration concerned and to the Commissioner of Railway Safety, and shall, unless in any case he thinks it unnecessary to do so, report the result of the inquiry to the State Government.

23. Police investigation—when to be dispensed with—report on loss of life, grievous hurt, or damage to railway property.—

(1) The Railway Police may make an investigation into the causes which led to any accident occurring in the course of working a railway and shall do so whenever—

(a) any such accident is attended with loss of human life or with grievous hurt, or with serious damage to railway property of the value exceeding Rupees Two Crore or has prima facie been due to any criminal act or omission; or

(b) the District Magistrate or the Magistrate appointed under Rule 17 has given a direction under clause (c) of that rule: Provided that where, having regard to the nature of the accident, the Central Government has appointed a Commission of Inquiry to inquire into it under the Commissions 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, or where a magisterial inquiry is being held under clause (a) or clause (b) of Rule 17, the Railway Police shall not make an investigation under this rule, and, where they have already commenced their investigation shall not proceed further with it; and shall hand over the records or other documents in their possession relating to the investigation to such authority as may be specified by the Central Government in this behalf.

(2) The Railway Police shall report, with as little delay as possible to the nearest Station Master, or where there is no Station Master, to the railway servant in charge of the section of the railway, on which the accident has occurred, every accident which may come to their notice occurring in the course of working a railway attended with loss of human life, or with grievous hurt or with serious damage to railway property of the value exceeding twenty-five lakh rupees or which has prima facie been due to any criminal act or omission.

24. Status of police officer investigating the accident.—

(1) Whenever an investigation is to be made by the Railway Police—

(a) in a case in which an accident is attended with loss of human life or with grievous hurt, or with serious damage to railway property of the value exceeding twenty five-lakh rupees; or

(b) in pursuance of a direction given under clause (c) of Rule 17, the investigation shall be conducted by the Head of the Railway Police of the area in which the accident has occurred, or if that officer is unable to conduct the investigation himself, by an officer to be deputed by him.

(2) The officer deputed under sub-rule (1) shall ordinarily be the senior officer available, and shall whenever possible be a Gazetted Officer, and shall in no case be of a rank lower than that of an Inspector: Provided that the investigation may be carried out by an officer-in-charge of a police station:—

(i) in a case such as is referred to in clause (a) of sub-rule (1), if no loss of life or grievous hurt has been caused to more persons than one or no damage to railway property of value exceeding twenty-five lakh rupees has been caused or there is no reason to suspect that any servant of the railway has been guilty of neglect of any rule relating to the working of the railway;

(ii) in the case referred to in clause (b) of sub-rule (1), if the District Magistrate so directs.

25. Notice of police investigation.—The officer who is to conduct an investigation in pursuance of Rule 24 shall at once inform the Head of the Railway Administration concerned and the Divisional Railway Manager by telegraph of the date and hour at which the investigation will commence so that, if possible, the presence of a railway official may be arranged for to watch the proceedings and to aid the officer making the investigation, and thereafter, he shall proceed without delay to the scene of the accident and conduct the investigation there; so, however, that the absence of a railway official shall not be allowed to delay the investigation which shall be conducted as soon as possible after the accident has taken place.

26. Assistance by the District Police.—

(1) In every case to which Rule 24 applies, immediate information shall be given by the Railway Police of the area to the District Police. Who, if so, required, shall afford all necessary assistance and shall, if occasion arises, carry the investigation beyond the limits of the railway premises. But the Railway Police of the area shall primarily be responsible for carrying on the investigation within such limits.

(2) Subject to the provisions of these rules, the further prosecution of the case, on the conclusion of the police investigation, shall rest with the Railway Police.

27. Communication of the result of police investigation.—The result of every police investigation shall be reported at once to the District Magistrate or other officer appointed in this behalf by the State Government to the Head of the Railway Administration concerned or other officer appointed by him, and to the Commissioner of Railway Safety.

28. District Police to discharge duties of Railway Police.—Where there is no Railway Police in the area, the duties imposed by Rules 23, 24 and 25 sub-rule (2) of Rule 26, and Rule 27 on the Railway Police of the area, or on the Head of such Railway Police, shall be discharged by the District Police or by the District Superintendent of Police, as the case may be.

29. Repeal and saving.—

(1) The Railway (Notices of and Inquiries into Accidents) Rules, 1973, are hereby repealed.

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

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