

The Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020

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The Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020¹

In exercise of powers conferred by Section 129 of the Railways Act, 1989 (24 of 1989) and in supersession of the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2020.

(2) They shall be deemed to have come into force on the 1st day of January, 2020.

2. Definitions.—(1) In these rules, unless the context otherwise requires—

- (a) 'Act' means the Railways Act, 1989 (24 of 1989) ;
- (b) 'Claims Tribunal' means Tribunal constituted under the Railway Claims Tribunal Act, 1987 (54 of 1987);
- (c) 'Diary' means the station diary being maintained by the Station Superintendent for recording daily events happened at the station;
- (d) 'Divisional Office' means the Divisional Headquarter of the Zonal Railway;
- (e) 'Divisional Railway Manager' means the administrative in-charge of the divisional office or the Additional Divisional Railway Manager nominated by him ;
- (f) 'Divisional Security Commissioner' means an officer, not below the rank of a Commandant, who is the head of the Force of a Division or a Railway Establishment at any other place connected with the Railways;
- (g) 'Force' means the Railway Protection Force;
- (h) 'Form' means the form appended to these rules;
- (i) 'Inquest Report' means the report prepared by the Police containing details of incident;
- (j) 'Jama Talashi' means the report about the recovery of any belongings of the person affected by the untoward incident;
- (k) 'Officer of the Force' means the authorised officer as defined in clause (c) of Section 2 of the Railway Property (Unlawful Possession) Act, 1966 (29 of 1966) and clause (26-A) of Section 2 of the Railways Act, 1989 (2 of 1989);
- (l) 'Police' means a State Police;

1. Ministry of Railways (RAILWAY BOARD), Noti. No. G.S.R. 346(E), dated June 3, 2020 and published in the Gazette of India, Extra., Part II, Section 3(i), dated 4th June, 2020, pp. 7-12, No. 267

- (m) 'Station Superintendent' includes Deputy Station Superintendent Station Master and Assistant Station Master or other officer being in-charge of the station;
- (n) 'Untoward Incident' means an incident defined under clause (c) of Section 123 of the Act; and
- (o) 'Zonal Railway' means a Zonal Railway constituted under Section 3 of the Act.

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

3. Report about untoward incident.—Any railway servant, including member of the Force, 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 Stations Master/Station Superintendent of Railways.

4. Duties of Station Superintendent, Guard, Conductor and Train Ticket Examiner in charge of the train.—(1) If an untoward incident occurs at the station, the concerned Station Superintendent shall immediately arrange for medical assistance to the injured passengers and report such incident within twenty-four hours of the occurrence to the Divisional Security Commissioner in FORM -I.

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

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

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

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

5. Additional duties of Station Superintendent.—The Station Superintendent on receipt of an information about the occurrence of untoward incident under Rule 3, shall,—

- (i) Maintain a separate exclusive register for recording the untoward incidents

- (a) Assign a unique identification number to each untoward incident and mention the untoward incident in the said register against this unique identification number.

- (b) The untoward incident register should be closed at 23:59 hrs every day so that untoward incident happening thereafter can be added in the register against that day.
- (ii) Make a brief report in respect of spot of the untoward incident and forward copies thereof to the Divisional Office, Zonal Railways, Police and Divisional Security Commissioner of the Force.
- (iii) Submit a fortnightly status report of untoward incidents including compliance of Rule 4 to Divisional Commercial Manager In-charge/ Senior Divisional Commercial Manager.

6. Conducting of investigation and submission of report by the Force.—(1)

On receipt of information under Rule 5, an officer of the Force, shall carry out the investigation and shall—

- (i) Obtain copies of the inquest report, post mortem report and Jama Talashi report from the Police investigating the incident;
- (ii) Obtain a copy of the report specified under clause (ii) of Rule 5;
- (iii) Obtain information about the untoward incident in Form - 2;
- (iv) Record statement of additional witnesses, if so required;
- (v) Collect any other evidence required by the circumstances of the case.

(2) The officer of the Force shall complete the investigation within sixty days and submit a report to the authority specified under sub-rule (2) of Rule 9.

7. Conducting of investigation and submission of report by the Police.—(1)

The Police on receipt of information of an untoward incident from general public or any Railway servant including Station Superintendent, the Police shall immediately initiate investigation and prepare inquest report or injury report in accordance with the procedure laid down in Code of Criminal Procedure, 1973 (2 of 1974).

(2) The Police upon reaching the scene of the untoward incident shall inform the nearest/concerned Station Superintendent personally or over telephone or through SMS or any effective electronic means of its presence at the scene of the incident. The Police shall immediately take photographs of the incident along with dead body/victim at the spot along with the tracks/witness(es)/bystanders.

(3) After preparation of report, as mentioned in sub-rules (1) and (2), 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.

(4) The Police shall prepare the Detailed Accident Report (DAR) and submit a copy of the same to Divisional Security Commissioner/Sr. DSC within 60 days from the date of untoward incident for onward submission to Divisional Railway Manager.

(5) In the event of the Police failing to take photographs as stated under sub-rule (2) of Rule 7 above, the concerned DCP shall examine why the photographs were not taken and whether any action is warranted for the lapse.

8. The injured and the next of kin of the deceased passenger shall submit all the relevant evidence before the Police and assist the Police/Force to complete investigation.

9. 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 Code of Criminal Procedure, 1973 (2 of 1974).

(2) The officer of the Force shall forward the report prepared under sub-rule (2) of Rule 6 to the Divisional Security Commissioner of Force.

(3) The Divisional Security Commissioner shall submit the report to Divisional Railway Manager within fifteen days of the receipt of report of investigation from officer of the Force.

(4) The Divisional Security Commissioner shall also ensure that a copy of Detailed Accident Report prepared by Police, in the format circulated by Ministry of Home Affairs (CS Division) vide their letter No. 24013/35/Misc./2017 CSR,,III dated 2-9-2019, is forwarded to the Divisional Railway Manager within 15 days of the receipt from the Police and after ascertaining the facts and verifying the genuineness of the facts of the case along with Form – 2.

10. Action on the Report by the Divisional Railway Manager.—(1) The Divisional Railway Manager, on receipt of the report, mentioned in sub-rule(3) of Rule 9 shall examine the same within fifteen days.

(2) The Divisional Railway Manager, on receipt of the report, mentioned in sub-rule (3) of Rule 9 shall examine the same within fifteen days. In case, the statutory time periods mentioned in the rules for filing of Form-1 and Form-2 have not been adhered to then Divisional Railway Manager shall call for explanation for delay from the concerned authorities.

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

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

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

11. 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.

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

(2) The administrative in-charge of Claim office of the Zonal Railway who has received the notice of the claim for that particular incident, shall arrange to collect the report from the Claim office of Railway where the incidence has occurred, shall initially have the claim examined by presenting officer (Railway Claims Tribunal) and associated legal branch and on the basis of their submission, and recommendation of Divisional Railway Manager as provided under sub-rule (3) of Rule 10 and pass a speaking order, whether the claim is to be admitted or contested and shall submit the same to the concerned Bench of the Railway Claims Tribunal along with the Written Statement.

FORM 1

(Refer Rule 4)

REPORT OF UNTOWARD INCIDENT

1. Unique Identification Number of the Untoward Incidents:
2. Kilometer at which untoward incident occurred:
3. Name of Driver of the train with Headquarter:
4. Name of the Guard of the train with Headquarter:
5. Name of the Train Ticket Examiner of train, if posted, with Headquarter:
6. Nature of the untoward incident:
 - (a) Accident fall
 - (b) Bomb blast
 - (c) Rioting
 - (d) Shootout
 - (e) Arson
 - (f) Dacoity/Robbery
 - (g) Violent attack
 - (h) Terrorist act/attack
 - (i) Run over/trespassing
 - (j) Suicide
 - (k) Others
7. Date and time of occurrence:
8. Position of the injured dead body in relation to the tracks along with photographs:
9. Whether medical help was given to the injured/victim:
10. Whether train stopped or not:
Condition of doors and occupation of coach:

Signature

Name and designation

Date:

** For creating the Unique ID Number, the alphabetical and numerical code of station/division/zone/year/month/incident serial number mentioned in the register can be written in a continuous manner.

For example: If the incident falls within the area of Kathgodam Station under Izzat Nagar division of N.E Railway and the incident happened in the month of October, 2017, the Unique ID will be as follows:

KGM/04305472/IZN/NER/2017/serial number.

FORM 2

(Refer Rule 6)

BRIEF PARTICULARS OF UNTOWARD INCIDENT

1. Date and time of the untoward incident:
2. Nature of untoward incidents (please specify – (a) accidental fall, (b) bomb blast, (c) rioting, (d) shootout, (e) arson (f) dacoity/robbery, (g) violent attack, (h) terrorist act/attack (i) run over, (j) trespassing (k) suicide, (l) others):
3. FIR number and address of the Police Station where FIR is registered:
4. Medical report, if available:
5. Name, address and parentage of the first informant:
6. Name and designation of the Railway officials who reached the place of incident first:
7. Name and designation of the Officer for the Force/Police on the train:
8. Name, age, sex and address of the victim:
9. Photograph at the site where the victim was found:
10. Name and number of the train involved:
11. The actual time of arrival and departure of the train in question (As per TSR of the Station nearest to the place of incident):
12. Certified copies of station diary, untoward incident register, TSR, GDR report etc:
13. Kilometrage at which the passenger fell, or person was knocked down:
14. Was the incident noticed by the Guard/Driver/TTE and and the train stopped, or was the alarm chain pulled to stop the train:
15. Type of injuries sustained by the injured i.e. grievous/simple, permanent/partial disablement:
16. Time and place the body was detected:
17. Position of the body in relation to the tracks:
18. Blood stains on ballast or engine, extent of the injuries and whether prima facie inflicted by a train, or otherwise:
19. Position of any clothing etc. found on, or near the rails:
20. Details of articles seized, including tickets, from the body of the victim:
21. Whether genuineness of the ticket is verified from the console:
22. Whether the ticket alleged to have been recovered is compatible with time of its issuance and where the victim was found:
23. How the injured or dead person was dealt with (whether medical help was given to the injured; whether he was admitted to any hospital; was the dead person identified; was post mortem carried out; was inquest report obtained; were the relatives of the injured/dead informed):
24. If child, also give the name and address of the guardian at the time, and his relationship to the child:
25. Brief statement of the injured person containing cause of accident:
26. Name and signature of the passenger in whose presence the statement is recorded:
27. In the case of a child, the name and signature of guardian:
28. Statement of co-passengers:
29. Condition of the doors of the relevant coach:
30. If there is no conclusive evidence regarding cause of incident, then Officer of Force instead of writing “fallen down”, should state “reasons not known”:
31. Any other comments/remarks:

Signature Name and Designation

Date:
