

STATUTORY INQUIRIES INTO RAILWAY ACCIDENTS
RULES, SCOPE AND PROCEDURE

1. RULES

1.1 Rules for Inquiry into Railways accidents:-

Rules for the guidance of the Officers of the Commission of Railway Safety for holding inquiries into Railway accidents are contained in the “Statutory Investigation into Railway Accidents Rules, 1998” notified by the Ministry of Civil Aviation in the Gazette vide G.S.R. No.257 dated 26.12.98 and G.S.R. No.63 dated 02.01.99.

1.2 When should a Statutory Inquiry be held ?

A statutory inquiry by the Commissioner is obligatory in every accident to a passenger-carrying train which is attended with loss of human life, or with grievous hurt as defined in Indian Penal Code, to a passenger or passengers in the train or with serious damage to railway property of the value exceeding Rs.2 crore. The Commissioners may also inquire into any other accident which in the opinion of the Chief Commissioner or Commissioner of Railway Safety requires the holding of an inquiry. Where the Chief Commissioner of Railway Safety considers the holding of an inquiry into an accident necessary, he may either hold the inquiry himself or direct the Commissioner of Railway Safety to do so.

The Inquiry shall be obligatory only in those cases where the passengers killed or grievously hurt were travelling in the train. If a person travelling on the foot-board or roof of a passenger train is killed or grievously hurt or if a person is run over at a level crossing or elsewhere on the railway track, an inquiry is not obligatory. Workmen’s trains or ballast trains carrying workmen shall also be treated as passenger trains and in the event of a workman getting killed or grievously hurt as a result of an accident to the train, an inquiry shall be obligatory.

1.3 Procedure when Commissioner is unable to hold an inquiry:-

When a Commissioner is unable to hold an inquiry, he is to inform the Chief Commissioner of Railway Safety of the reasons as to why an inquiry can not be held by him. The Chief Commissioner may himself hold the inquiry or may direct another Commissioner to inquire into the accident or else the inquiry can be entrusted to the Railway itself, who will then appoint a Committee of Railway Officers to inquire into the accident. The Committee’s inquiry report is submitted to the Commissioner of Railway Safety who scrutinizes it and in case he agrees with the findings, forwards it to the Chief Commissioner of

Railway Safety along with his views on the findings and recommendations made. If, on the other hand, the Commissioner of Railway Safety considers that an inquiry should be held by him, he proceeds to do so.

1.4 **When shall the Commissioner stop or discontinue his inquiry?**

Whenever the Central Government appoints a Commission of inquiry under the Commission of Inquiries Act, the Commissioner shall discontinue his inquiry.

2. **SCOPE**

The Commissioner holds inquiries into accidents with a view to ascertaining the causes and fixes the responsibility thereof on the individuals concerned. Investigations are also carried out into the question whether prompt and adequate steps were taken by the railway administration for relief measures such as provision of first aid, medical treatment and refreshments to passengers, evacuation of injured passengers and other facilities like arrangements for transshipment, completion of their journey to destination, running of duplicate trains etc. As a result of his inquiry, the Commissioner may also make recommendations which are designed to prevent the recurrence of similar accidents, and which may suggest laying down new rules or modifying existing rules of working, and improved standards of signalling, installation and maintenance of track, bridges, etc. He also comments on matters observed by him during the course of his inquiry which may not have any direct bearing on the cause of the accident under investigation but which may in some cases affect the safe working of the railway and lead to accidents.

3. **Procedure for conducting a Statutory inquiry**

As soon as the Commissioner of Railway Safety receives intimation about the occurrence of a serious accident, he proceeds to the site, conduct inspection of the accident site and records all particulars relevant to the accident; He then fixes a date for the inquiry, which is given publicity in the media. Officers of the local Magistracy and police are separately advised of the dates of the inquiry. The public is invited to give evidence in the inquiry in person or to write to the Commissioner.