MINISTRY OF RAILWAYS
NOTIFICATION

New Delhi, the 8th August, 2003

G.S.R.646(E). In exercise of the powers conferred by section 129 of the Railways Act, 1989 (24 of 1989), read with section 22 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003.

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

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;
(c) ‘Diary’ means the station diary being maintained by the Station Suptd. 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;
(f) ‘Divisional Security Commissioner’ means Administrative In-charge of Force of Divisional Office;
(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) ‘Police’ means a State Police;
3. **Report about untoward incident:**

Any railway servant, including Guard and Driver of the train, on coming to know of the occurrence of an untoward incident, shall report the incident immediately to the nearest Station Superintendent.

4. **Duties of Guard, Driver and Train Ticket Examiner.**- Any guard or driver or Train Ticket Examiner who is on duty at the time of occurrence of untoward incident, shall,

   i) Immediately arrange for medical assistance to the injured passengers, and  

   ii) report the occurrence of such incident to the Supervisor in Form-I.

5. **Duties of Supervisor .**- On receipt of a report in Form-I, the supervisor shall forward the same to the Divisional Railway Manager.

6. **Duties of Station Superintendent .** The Station Superintendent, on receipt of an information about the occurrence of untoward incident under rule 3, shall,-

   i) make necessary entries to this effect in the station diary;
ii) arrange for medical assistance to the injured passengers;
iii) make out a brief report in respect of spot of the untoward incident and forward copies thereof to the Divisional Office, Zonal Railways, Police In-charge of the Force.
iv) Carry out technical survey of the untoward incident himself or through his representatives; and
v) Depute his representatives to assist the force to complete the process of investigation.

7. Conducting of investigation and submission of report by the Force.-
   (1) On receipt of information under rule 6, an officer of the Force, not below the rank of Inspector, shall carry out the investigation and shall,
   i. Obtain copies of the inquest report, post mortem report and Jama Talashi report from the police investigating the incident’
   ii. Obtain copy of the technical survey carried out by the railway official nominated by the Station Superintendent;
   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, on completion of the investigation, shall submit a report to the authorities specified under sub-rule (2) of rule 10.

8. Conducting of investigation and submission of report by the Police.-
   (1) The Police on receipt of the report under clause (iii) of rule 6, shall immediately initiate investigation and prepare inquest report or Injury report in accordance with the procedure laid down in Criminal Procedure Code 1973.

(2) After preparation of report, as mentioned in sub rule (1), 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.

9. The injured and the next of kin of the deceased passenger may submit evidence and assist Police and Force.-

   The injured and the next of kin of the deceased passenger may submit all the relevant evidence before the police and assist the police and the force to complete investigation.

10. Forwarding of Investigation report by the Police and the Force.-
   (1) The police on completion of the investigation, shall forward the report thereof to the Magistrate, as required under the Criminal Procedure Code, 1973.
(2) The officer of the Force shall forward the report prepared under sub-rule (2) of rule 7 to the Divisional Railway Manager and Divisional Security Commissioner of Force.

11. **Action on the Report by the Divisional Railway Manager.**— (1) The Divisional Railway Manager, on receipt of the report, shall immediately examine the same.

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

   (3) 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.

   (4) On receipt of the reference under sub-rule 3, the officer of the force shall investigate the matter further and submit the report immediately to the Divisional Railway Manager.

12. **Communication of order.**— Final orders passed on the report by the Divisional Railway Manager shall be communicated to the Station Superintendent who shall maintain the records and make necessary entries in the Station Diary to this effect.

13. **Investigation report to be placed before Divisional Railway Manager.**— The investigation report along with comments of the Divisional Railway Manager thereon shall be placed before the Claims Tribunal by Railway Administration while filing written statement in the case in which compensation has been claimed on the basis of such untoward incident.

[No. 2001/TC-III/26/45/RC]

PADMAKSHI RAHEJA, Executive Director/Public Grievances (Railway Board)
REPORT OF UNTOWARD INCIDENT

1. Kilometer at which untoward incident occurred:

2. Name of driver of the train with Headquarter:

3. Name of Guard of the train with Headquarter:

4. Name of train ticket examiner of train, if posted, with Headquarter:

5. Nature of the untoward incident:
   (a) accidental fall
   (b) bomb blast
   (c) rioting/shootout
   (d) others

6. Time of occurrence:

7. Position of human body in relation to track

8. Whether medical help was given to the injured:

9. Whether train stopped or not:

10. Condition of doors and occupation of coach:

                        Signature

                        Date:               Name and Designation
BRIEF PARTICULARS OF UNTOWARD INCIDENT

1. In cases of death:
   (a) time and place the body was detected.
   (b) Position of the body in relation to the tracks,
   (c) Blood stains on ballast or engine, extent of the injuries and whether
       prima facie inflicted by a train or otherwise;
   (d) Position of any clothing etc. found on or near the rails.
   (e) Name of informant, his parentage and address:

2. In case of accidental falling or other untoward incidents:
   a. Kilometerage at which the passenger fell or person was knocked down.
   b. Was the incident noticed by the Guard/Driver/TTE and the train
      stopped or was the alarm chain pulled to stop the train:
   c. Was the train backed to the incident spot:
   d. How the injured or dead person was dealt with:

3. In case of a passenger falling out:
   a. Name, age, sex and address of the passenger, with the particulars
      of ticket, if any, held:
   b. If child, also give the name and address of the guardian at the time,
      and his relationship to the child:
   c. Where was the person or child seated or standing at the time last
      seen by fellow passengers:
   d. Owning Railway, painted number, compartment number, type
      description and position of the carriage from the engine:
   e. Condition of doors:
   f. Officer of the Force on train:
   g. Brief statement of the injured person containing cause of accident:
   h. Name and signature of the passenger in whose presence the
      statement is recorded:
   i. In the case of a child, the name and signature of guardian:
   j. Statement of co-passengers:
   k. Type of injuries sustained by the injured i.e temporary, permanent,
      partial or complete disablement.

Signature

Date:               Name and Designation
रेल मंत्रालय
(रेलवे बोर्ड)
अधिमूलका

नई दिल्ली, 9 अगस्त, 2007

स.का.पि. 540(अ)—जनवीर सरकार, रेल अधिनियम, 1989 (1989 का 24) की धारा 129 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए रेल यात्री (अनुपचित घटनाओं के अन्तर्गत की रीति) नियम, 2003 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है,
अव्याप्तः—

1. (1) इस नियम का संबंधित नाम रेल यात्री (अनुपचित घटनाओं के अन्तर्गत की रीति) संशोधन नियम, 2007 है।

(2) ये राज्यवत में प्रकाशन की तारीख को प्रवृत होगे।

2. रेल यात्री (अनुपचित घटनाओं के अन्तर्गत की रीति) नियम, 2003 (जिसे इसमें इसके परिवार का उल्लेख किया गया है) में,—

1. नियम 2 के उप-नियम (1) में,

(क) खंड (ड) के अंत में "या उसके द्वारा नाम-निर्देशित अपर प्रभावी रेल प्रबंधक" शब्द जोड़े जाएगे;

(ख) खंड (अ) के परस्पर, निम्नलिखित खंड अंत:स्थापित किया जाएगा, अव्याप्तः—

"(अ) 'बल का अधिकारी' से रेल संपत्ति (विधि विनाश क्रम) अधिनियम, 1966 की धारा 2 के खंड (ग) और रेल अधिनियम, 1989 की धारा 2 के खंड 26 में यथा परिभाषित प्राधिकृत अधिकारी अभिलेख है;",

(ग) खंड (च) के स्थान पर निम्नलिखित खंड रखा जाएगा, अव्याप्तः—

"(च) 'प्रभावी सुरक्षा आयुक्त' से कर्मचारी पंक्ति से अभिलेख पंक्ति का ऐसा अभिलेख जो किसी प्रभावी या रेल से संबंधित किसी अन्य स्थान पर किसी रेल ताकत का प्रभाव है, अभिलेख है;",

(च) खंड (ड) और खंड (ड) का लोप किया जाएगा।

2. उक्त नियमों के नियम 4 के स्थान पर निम्नलिखित नियम रखा जाएगा, अव्याप्तः—

"4. स्टेशन अधिकारी, गाड़ी, संचालक और गाड़ी का भारसाधक गाड़ी टिकट परीक्षक के कर्तव्य—(1) यदि स्टेशन पर कोई अनपचित घटना घटती है तो संबंधित स्टेशन अधिकारी आह्वान यात्रियों की सिहतकृत तहत पड़ते हैं तत्काल इंतजाम करेगा और ऐसी पटना की रिपोर्ट खंडित होने के चौथी घंटे के भीतर प्रकाश-1 में प्रभावी सुरक्षा आयुक्त को देगा।"
(2) यदि संबंध में कोई अपरेंशियल पटना घटती है तो संबंधी गाड़ी का गाड़ी निकटतम स्टेशन के स्टेशन अधिशक को सूचित कराना जो उप-नियम (1) में निर्दिष्ट कर्तव्यों को पालन करेगा।

(3) यदि अपरेंशियल पटना में गाड़ी आघात हो जाता है तो संबंधी गाड़ी का संबंधी निकटतम स्टेशन के स्टेशन अधिशक को सूचित कराना जो उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा।

(4) यदि गाड़ी और संबंधी दोनों अपरेंशियल पटना में आघात हो जाते हैं तो भारासाधक गाड़ी टिकट परीक्षण निकटतम स्टेशन के स्टेशन अधिशक को सूचित कराना जो उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा।

(5) यदि उप-नियम (2), उप-नियम (3) और उप-नियम (4) में दिल्लिनिहित अधिकारियों की अनुसूचित में स्टेशन के मध्य में कोई अपरेंशियल पटना घटती है तो स्टेशन का अधिशक उप-नियम (1) में निर्दिष्ट कर्तव्यों का पालन करेगा।

3. उक्त नियमों के नियम 5 का लोप किया जाएगा।

4. उक्त नियमों के नियम 6 में,—

(क) खंड (iii) में "भारासाधक" शब्द के स्थान पर "भारागौरी सूर्या आदिका" शब्द रखे जाएँगे;

(ख) खंड (iv) और खंड (v) का लोप किया जाएगा।

5. उक्त नियमों के नियम 7 में,—

(क) उप-नियम (1) में "जो निरीक्षक की पशिम से नीचे का न हो" शब्दों का लोप किया जाएगा;

(ख) उप-नियम (1) में खंड (ii) के स्थान पर निम्नलिखित खंड रखा जाएगा, अथवा,—

"(iii) नियम 6 के खंड (iii) के अर्थों निर्दिष्ट रिपोर्ट की प्रति अभिप्राप्त करेगा;

(ग) उप-नियम (2) में "अन्येवंत पूर्व हो जाने पर" शब्दों के स्थान पर "सात दिन के भीतर अन्येवंत पूर्व करेगा और" शब्द रखे जाएँगे।

(घ) उप-नियम (2) में "प्राधिकारियों" शब्द के स्थान पर "प्राधिकारियों" शब्द रखा जाएगा।

6. उक्त नियमों के नियम 10 में,—

(क) उप-नियम (2) में, "भारागौरी रेल प्रबंधक और" शब्दों का लोप किया जाएगा;

(ख) उप-नियम (2) में परिवार निम्नलिखित उप-नियम अंतःभाषित किया जाएगा, अथवा,—

"(3) भारागौरी सूर्या आदिका व्यक्ति के अधिकारिये से अन्येवंत की रिपोर्ट की प्राप्ति के पंद्रह दिन के भीतर भारागौरी रेल प्रबंधक की रिपोर्ट प्रस्तुत करेगा।"

7. उक्त नियमों के नियम 11 के उप-नियम (1) में "रिपोर्ट प्राप्त होने पर तत्काल उसकी जाँच करेगा" शब्दों के स्थान पर "नियम 10 के उप-नियम (3) में दिल्लिनिहित रिपोर्ट प्राप्त होने पर पंद्रह दिन के भीतर उसकी जाँच करेगा" शब्द रखे जाएँगे।

8. उक्त नियमों के नियम 13 के स्थान पर निम्नलिखित नियम रखा जाएगा, अथवा,—

"13. दाया कार्यालय की रिपोर्ट का भेजा जाना,—(1) अन्येवंत रिपोर्ट को, उस पर भारागौरी रेल प्रबंधक की स्पष्टीकरण द्वारा सार्वजनिक रेलवे के दाया कार्यालय के प्रशासनिक भारासाधक को, जहां घटना घटित हुई है, पंद्रह दिन के भीतर भेजा जाएगा।

(2) अवैधिक रेल द्वारा दाया कार्यालय के वह प्रशासनिक भारासाधक जिसने उस विशेष घटना की संकेतन प्राप्त की है रेल के उस दाया कार्यालय से रिपोर्ट एकत्रित करने की स्वतंत्रता करेगा जहां घटना घटित हुई है और उसे दिल्लिनिहित करने के साथ रेल दाया अधिकारी की संबंधित न्यायिक जाँच करेगा।"

[फार. स. 2001/टीसी-III/26/45/आर्सी] वी. एल. मोमा, कार्यालयी निदेशक (जन विकास)

टिप्पणी :- मूल नियम भारत के राष्ट्र, भाग II, खंड 3, उप-खंड (1) में सं. सा.कानव. 646(अ), सारिक 8 अगस्त, 2003 द्वारा प्रकाशित किए गए थे।
G.S.R. 540(E). - In exercise of the powers conferred by Section 129 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules to amend the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003, namely:—

1. (1) These rules may be called the Railway Passengers (Manner of Investigation of Untoward Incidents) Amendment Rules, 2007.

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

2. In the Railway Passengers (Manner of Investigation of Untoward Incidents) Rules, 2003 (hereinafter referred to as the said rules),—

1. In rule 2, in sub rule (1),

(a) in clause (e) at the end, the words "or the Additional Divisional Railway Manager nominated by him" shall be added;

(b) after clause (j), the following clause shall be inserted, namely:—

"(ja) 'Officer of the Force' means the authorized officer as defined in clause (c) of Section 2 of the Railway Property (Unlawful Possession) Act, 1966 and clause 26A of Section 2 of the Railways Act, 1989;";

(c) for clause (f), the following clause shall be substituted, namely:

"(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";

(d) clauses "(m) and (n) shall be omitted.

2. In the said rules for rule 4, the following rule shall be substituted, namely:—

"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)."

3. In the said rules, rule 5 shall be omitted.

4. In the said rules, in rule 6,—

(a) in clause (iii), for the words "in-charge", the words "Divisional Security Commissioner" shall be substituted; (b) clauses (iv) and (v) shall be omitted.
5. In the said rules, in rule 7,-
   (a) in sub-rule (1), the words "not below the rank of Inspector" shall be omitted.
   (b) in sub-rule (1), for clause (ii), the following clause shall be substituted, namely:
   "(ii) obtain a copy of the report specified under clause (iii) of rule 6';
   (c) in sub-rule (2) for the words "on completion of the investigation shall",
   the words "shall complete the investigation within sixty days and" shall be substituted.
   (d) in sub-rule (2) for the word "authorities", the word "authority" shall be substituted.
6. In the said rules, in rule 10. -
   (a) in sub-rule (2), the words "Divisional Railway Manager and" shall be omitted;
   (b) after sub-rule (2), the following sub-rule shall be inserted, namely:
   "(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."
7. In the said rules, in rule 11, in sub-rule (1), for the words "shall immediately examine the same",
   the words "mentioned in sub-rule (3) of rule 10 shall examine the same within fifteen days" shall be substituted.
8. In the said rules, for rule 13, the following rule shall be substituted, namely:-

   "13. Sending report to Claim Office - (1) The investigation report along with acceptance of Divisional Railway Manager thereon 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 claim for that particular incident shall arrange to collect the report from the claim office of Railway where the incident has occurred and submit the same to the concerned Bench of the Railway Claims Tribunal along with the Written Statement."

   [F. No. 2001/TC-III/26/45/RC]

   B. L. MEENA, Executive Director (Public Grievances)

Note:- The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide number G.S.R. 646(E), dated the 8th August, 2003.