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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 3700	Press ~~Mis.~~
136-137	
Dated 6-12-	1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
6th December 1865.*

No. 136. Read the following Proceedings of the Governor General of India in Council, Public Works Department (Railway), dated Simla, 26th October 1865, No. 971 R:—

Investigation into Railway Accidents.

Read the following letters:—

From Government of Bengal, in the Public Works Department, Railway Branch, No. 1,611 G, dated 12th October 1865, with enclosed Draft Rules for guidance of all concerned in the investigation of Railway accidents.

Read again:—

Public Works Department Resolution Nos. 704—14 R, dated 19th August 1865.

Do. do. do. Nos. 848—56½ R, do. 28th September 1865.

OBSERVATIONS.—It being considered desirable that uniformity of practice in the investigation of accidents should obtain on all Indian Railways, the Government of Bengal, which had undertaken the preparation of a Code of instructions for the guidance of all concerned in the investigation of accidents on Railways, was directed to submit it to the Government of India previous to promulgation. The Draft Rules now received have accordingly been submitted, and the Governor General in Council is pleased to direct that they shall be circulated, in order that the several Local Governments may have the opportunity of considering them, and making such suggestions as may appear desirable.

2. In anticipation of the replies which may be expected, it is observed that paragraphs 2 and 7, and clauses 1st and 4th of paragraph 12 are, to some extent, contingent on certain amendments in the law recently proposed by the Government of Bengal, and now under consideration in the Legislative Branch of the Home Department.

3. Further, the first clause in paragraph 5 might, with advantage, be modified as follows:—

“The District Superintendent of Police will himself proceed to the scene of every serious accident of a nature likely to, or which may actually, have endangered life or caused serious loss of property, on becoming aware of its occurrence;” and in paragraph 11 the term “High Officers” seems vague. The “Agent” seems the proper person to be held responsible.

ORDER.—Ordered, that these observations and the Draft Rules be forwarded to the Governments and Administrations noted in the margin, for consideration, and their attention invited to the amendments of Act XVIII. of 1854, proposed in Public Works Department Resolutions Nos. 704—14 R, and Nos. 848—56½ R of 19th August, and 28th September 1865.

Ordered also, that an Extract of these Proceedings be forwarded to the Government of Bengal, in the Public Works Department, Railway Branch, for information.

(Signed) A. B. SAMPSON,
Asst. Secy., for Secy. to Govt. of India.

Madras.
Bombay.
North Western Pro-
vinces.
Punjab.

Chief Commissioner, Oudh.
Chief Commissioner, Central
Provinces.
Resident, Hyderabad.
Commissioner, Mysore.

*Proceedings of the Madras Government, Public Works Department,
6th December 1865.*

Enclosure to Current Letter Nos. 971-9R of 1865.

Rules for the guidance of Officers concerned in the investigation of Railway Accidents.

The Consulting Engineer's duties.—It shall be the duty of the Consulting Engineer to obtain the earliest possible information of all Railway accidents of a serious nature, and to make such enquiries as he shall deem necessary.

2. He shall report all special or serious accidents to the Lieutenant Governor, through the Judicial Department of the Secretary's Office.

3. He shall direct the attention of Magistrates to cases which, in his opinion, require investigation.

4. In the event of a Judicial enquiry into an accident, he shall, if called upon to do so, attend at the Magistrate's Office, and render him such assistance in the enquiry as he can. He may, if he see fit, be allowed to conduct the prosecution before the Magistrates. When a case is committed to the Sessions, he should watch it pending final trial.

5. *The duties of the District Superintendent of Police.*—The District Superintendent will himself proceed to the scene of every serious accident of a nature likely to have endangered life, or caused serious loss of property. If, for any unavoidable reason, he is unable to go himself, he will at once report the fact to the Magistrate, who will either himself undertake the enquiry, or depute his Assistant or the Assistant Superintendent of Police.

6. The Officer conducting the enquiry shall summon all Officers of the Railway Department, whose presence he considers necessary, and, if he is of opinion that sufficient grounds exist for a Judicial investigation, shall bind all parties to appear before the Magistrate on a day to be fixed by that Officer.

7. *The Magistrate's duties.*—The Magistrate, on receiving the Report of the Officer holding the enquiry, shall fix a time and place for the Judicial investigation of the case. Ordinarily, the investigation into serious accidents of a nature likely to endanger life or cause serious loss of property, shall be held at the Railway Station nearest to the scene of the accident; but if the Officer holding the enquiry see reason to think that the ends of justice will be promoted by his so doing, he may, on the application of the Railway Company, or of the Consulting Engineer to Government, appoint any other place within his jurisdiction for the hearing of the case, or may, with the sanction of the High Court, transfer the case for Judicial investigation to any other Magistrate having jurisdiction on the line. Such other Magistrate shall, thereupon, proceed to enquire into the case in the same manner as if it had occurred in his own District.

8. The Magistrate will, whenever he wishes for the assistance of the Consulting Engineer, either in aiding the Police enquiry, or in prosecuting the case before him, or in giving evidence on matters relating to Railway administration, issue a requisition to that Officer to attend.

9. He will report the result of his enquiries into all serious accidents to the Commissioner, for the information of Government.

10. He will insist upon the attendance of all Officers of the Railway Company, of whatever rank, if he considers such attendance necessary.

11. He will enforce the provisions of the Act against the High Officers of the Railway Company, in the event of their omitting to prosecute their subordinates for breaches of the Railway Law.

12. *The Railway Company's duties.*—These are—

1st.—To bring to justice all their subordinates guilty of breaches of the Railway Act.

2nd.—To report immediately to the Consulting Engineer all accidents occurring on the line, giving the fullest information on the subject.

3rd.—To assist the Police and Magistrate in conducting enquiries into accidents, and to depute some responsible and intelligent Officer, who shall aid these authorities in obtaining evidence and securing the attendance of the Company's subordinates.

4th.—To see that any of their subordinates, guilty of breaches of the Railway Act, who are likely to abscond, are at once arrested and made over to the District Police.

*Proceedings of the Madras Government, Public Works Department,
6th December 1865.*

No. 137.

ORDER THEREON, 6th December 1865, No. 3,700.

RAILWAY, No. 12.

1. Communicated to the Consulting Engineer for Railways for such observations as he may wish to make on the proposed rules for the guidance of Officers concerned in the investigation of accidents on Railways.

2. Paragraphs 5 to 11 of the Rules relating to the duties of Magistrates, and of Deputy Superintendents of Police, will be referred to the Judicial Department for consideration.

G. O. Public Works Department, No. 2,726, dated 16th September 1865.

Do. do. No. 3,201, dated 25th October 1865.

3. The Orders of the Government of India, dated 19th August, and 28th September 1865, were communicated in the Proceedings noted in the margin.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Consulting Engineer for Railways.
„ Judicial Department.

Ed. S. T. Augustin.

5.

Enclosure to Current Letter Nos. 971-9R of 1865.

Rules for the guidance of Officers concerned in the investigation of Railway Accidents.

The Consulting Engineer's duties.—It shall be the duty of the Consulting Engineer to obtain the earliest possible information of all Railway accidents of a serious nature, and to make such enquiries as he shall deem necessary.

2. He shall report all special or serious accidents to the Lieutenant Governor, through the Judicial Department of the Secretary's Office.

3. He shall direct the attention of Magistrates to cases which, in his opinion, require investigation.

4. In the event of a Judicial enquiry into an accident, he shall, if called upon to do so, attend at the Magistrate's Office, and render him such assistance in the enquiry as he can. He may, if he see fit, be allowed to conduct the prosecution before the Magistrates. When a case is committed to the Sessions, he should watch it pending final trial.

5. *The duties of the District Superintendent of Police.*—The District Superintendent will himself proceed to the scene of every serious accident of a nature likely to have endangered life, or caused serious loss of property. If, for any unavoidable reason, he is unable to go himself, he will at once report the fact to the Magistrate, who will either himself undertake the enquiry, or depute his Assistant or the Assistant Superintendent of Police.

6. The Officer conducting the enquiry shall summon all Officers of the Railway Department, whose presence he considers necessary, and, if he is of opinion that sufficient grounds exist for a Judicial investigation, shall bind all parties to appear before the Magistrate on a day to be fixed by that Officer.

7. *The Magistrate's duties.*—The Magistrate, on receiving the Report of the Officer holding the enquiry, shall fix a time and place for the Judicial investigation of the case. Ordinarily, the investigation into serious accidents of a nature likely to endanger life or cause serious loss of property, shall be held at the Railway Station nearest to the scene of the accident; but if the Officer holding the enquiry see reason to think that the ends of justice will be promoted by his so doing, he may, on the application of the Railway Company, or of the Consulting Engineer to Government, appoint any other place within his jurisdiction for the hearing of the case, or may, with the sanction of the High Court, transfer the case for Judicial investigation to any other Magistrate having jurisdiction on the line. Such other Magistrate shall, thereupon, proceed to enquire into the case in the same manner as if it had occurred in his own District.

8. The Magistrate will, whenever he wishes for the assistance of the Consulting Engineer, either in aiding the Police enquiry, or in prosecuting the case before him, or in giving evidence on matters relating to Railway Administration, issue a requisition to that Officer to attend.

9. He will report the result of his enquiries into all serious accidents to the Commissioner, for the information of Government.

10. He will insist upon the attendance of all Officers of the Railway Company, of whatever rank, if he considers such attendance necessary.

11. He will enforce the provisions of the Act against the High Officers of the Railway Company, in the event of their omitting to prosecute their subordinates for breaches of the Railway Law.

12. *The Railway Company's duties.*—These are—

1st.—To bring to justice all their subordinates guilty of breaches of the Railway Act.

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4th.—To see that any of their subordinates guilty of breaches of the Railway Act, who are likely to abscond, are at once arrested and made over to the District Police.

No. 971 R.

PROCEEDINGS OF THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

PUBLIC WORKS DEPARTMENT,
SIMLA, 26th October, 1865.

Railway.

Investigation into Railway Accidents.

Read the following letters :—

From Government of Bengal, in the Public Works Department, Railway Branch,
No. 1611 G, dated 12th October 1865, with enclosed Draft Rules for guidance of all
concerned in the investigation of Railway accidents.

Read again :—

Public Works Department Resolution Nos. 704—14 R, dated 19th August 1865.

Ditto ditto ditto, Nos. 848—56½ R, dated 28th September 1865.

OBSERVATIONS.—It being considered desirable that uniformity of practice in the investigation of accidents should obtain on all Indian Railways, the Government of Bengal, which had undertaken the preparation of a Code of instructions for the guidance of all concerned in the investigation of accidents on Railways, was directed to submit it to the Government of India previous to promulgation. The Draft Rules now received have accordingly been submitted, and the Governor General in Council is pleased to direct that they shall be circulated, in order that the several Local Governments may have the opportunity of considering them, and making such suggestions as may appear desirable.

2. In anticipation of the replies which may be expected, it is observed that paras. 2 and 7, and clauses 1st and 4th of para. 12 are, to some extent, contingent on certain amendments in the law recently proposed by the Government of Bengal, and now under consideration in the Legislative Branch of the Home Department:

3. Further, the first clause in para. 5 might, with advantage, be modified as follows :—

“ The District Superintendent of Police will himself proceed to the scene of every serious accident of a nature likely to, or which may actually, have endangered life or caused serious loss of property, on becoming aware of its occurrence;”
and in para. 11 the term “ High Officers” seems vague. The “ Agent” seems the proper person to be held responsible.

ORDER.—Ordered, that these Observations and the Draft Rules be for-

Madras.
Bombay.
North Western Prov.
inces.
Punjab.

Chief Commissioner, Oudh.
Chief Commissioner, Central
Provinces.
Resident, Hyderabad.
Commissioner, Mysore

warded to the Governments and
Administrations noted in the
margin, for consideration, and
their attention invited to the

amendments of Act XVIII of 1854, proposed in Public Works Department
Resolutions Nos. 704—14 R, and Nos. 848—56½ R of 19th August and
28th September 1865.

Ordered also, that an Extract of these Proceedings be forwarded to the
Government of Bengal, in the Public Works Department, Railway Branch,
for information.

W. Hunter Asst. Secy.,
for Secy. to Govt. of India.

To
The Secy. to the Govt. of Madras
Railway Department

Public Works Dept
No 3700

Proceedings of the Madras Government
Under date the 26th Decr 1865

Recd the fol.
lowing.

From the Secy to the
Govt of India P.W.D.

Draft rules for the
guidance of all concern-
ed in the investigation
of Railway accidents.

N. E. 26th Oct/65
No 971 R.

Communicated to the Consulting
Engineer for Railways for
such observations as he may
wish to make on the proposed
rules for the guidance of
Officers concerned in the in-
vestigation of accidents on
Railways -

Paras 5 to 11 of the rules
relating to the duties of
Magistrates, and of Deputy
Superintendents of Police,
will be referred to the
Judicial Department for

[Handwritten initials]

1865/66
1865-66
1865-66

1865/66
1865-66
1865-66

Railway.
To
RESOLUTION.

FROM
SECY. TO GOVT. OF INDIA,
IN THE PUBLIC WORKS DEPT.

No. R.
Dated SIMLA, 26th October, 1865.
Received 22 Oct 1865

811

Draft Rules for the guidance of all concerned in
the investigation of Railway accidents.

20/10/66

20/10/66
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1865

Consideration -
The orders of the Government
of India dated 19th August
and 28th September 1865
were communicated in
the Proceedings noted in the
margin -

W. H.

P.O. No. 2726 7/16/65
S. 3201 - 25 October/65

3rd The Consulting Engineer for Railways
Industrial Department
C. D. [unclear]
[unclear]

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Dec 7th 1865

16-2-11
No 1865 Dept
No 40 of the Govt
for Deer

No 3708
No 40 of the M. Govt
D. 16th Decr/65

35/12
Draft Rules for Officers
concerned in the investigation
of Railway accidents. Pro of Govt
of India forwarding, with
certain observations, commd
to the Just. Secy & to the Com. Secy
for Railways with certain
instructions.

C. 186.137