

Public Works (1893) Department.

RAILWAY BRANCH.

G.O., No. 105/R

DATED 25th July

[Despatch Abstract.]

Accident. — Report of an — to a native fireman
in the Madras Railway Company, run over by
the engine between Cuddapah and Siddhout
Stations, recorded.

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FURTHER INFO.				FURTHER INFO.			
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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ORDER.—Ordered, that this Resolution and the revised rules be forwarded to

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and
 Oudh and the Punjab.
 .. Chief Commissioners, Central Provinces, and British Barmah.
 .. Resident at Hyderabad.
 .. Agents to the Governor-General for Rajputana, Central India and Beluchistan.
 .. Consulting Engineers to the Government of India for Guaranteed Railways.
 .. Director-General of Railways.

the Governments, Admin-
 istrations and Officers
 noted in the margin, for
 information and guid-
 ance; to the Foreign
 Department for com-
 munication to the Chief Commissioner of Mysore; and to the Chief Commissioner of
 Assam for information.

Ordered also, that this Resolution with the revised rules be forwarded to the
 Home, Revenue and Agricultural Department for information, and that the papers be
 published in the Supplement to the *Gazette of India*.

J. S. TREVOR, Major-Genl., R.E.,
 Deputy Secretary.

Documents accompanying.
 Rules for inquiring into, and reporting on,
 serious accidents on Indian Railways.

Exd. M. Pahlavan.
 Spare Copies

RULES FOR INQUIRING INTO, AND REPORTING ON, SERIOUS ACCIDENTS ON INDIAN RAILWAYS.

GENERAL.

THE following Rules are prescribed by the Governor-General in Council for
 enquiring into, and reporting on, serious accidents on Railways, whether open for
 public traffic or under construction:—

Serious accidents are accidents attended with loss of human life, or serious
 injury to person or property; or accidents of a description usually attended with
 such loss or injury.

2. In the case of any Railway passing through Native States, the Government of
 India will, from time to time, direct what official shall, for the purposes of these Rules,
 be regarded as the Magistrate of the District in respect of the portions of the Rail-
 way situate in each such State.

3. Throughout these Rules, the words "District Superintendent of Police" of
 the district in which the occurrence takes place shall be substituted for the words
 "Railway Police Superintendent" in respect of Railways whereon a Railway Police
 Superintendentship has not been established. The word "Manager" shall include
 the Agent of a Guaranteed or other Railway Company, or other officer in charge, and
 the Chairman of the Corporation in the case of the Calcutta Municipal Railway, and
 the Vice-Chairman of the Calcutta Port Commissioners in the case of Railways belong-
 ing to that body, and also the Chief Engineer or Engineer-in-Chief or other officer in
 charge of any Railway.

The officer authorized by Government to investigate and report on accidents is
 called the "Government Inspector": and his address and official designation will be
 notified to Managers from time to time by Local Governments or Administrations or
 by the Government of India.

SECTION I.

Duties of Managers and Railway Officers.

4. On the occurrence of any serious Railway accident, it shall be the duty of the
 nearest Station Master, or, where there is no Station Master, the officer in charge of
 the section of the Railway on which the accident occurs, to give immediate notice
 thereof in writing, or by telegraph when possible,—

(a) to the nearest Magistrate in the
 district in which the accident occurred;

(b) to the Railway Police Superin-
 tendent;

(c) to the Officer in charge of the
 Police station in the jurisdiction of which
 the accident occurred;

(d) and to the senior Policeman pre-
 sent at his station.

5. It shall be the duty of the Manager to give notice of the accident—

(a) without delay to the Government Inspector, who has been authorized by
 Government to investigate and report on such accidents;

(b) to the Secretary to the Local Government in the Judicial Department
 within forty-eight hours after the occurrence, in order that the Local
 Government may, if necessary, watch over the investigation.

6. The Manager shall in cases of serious personal injury afford medical aid to
 the sufferers, and see that they are properly and carefully attended to till removed to
 their homes or handed over to the care of their relatives or friends.

*In the case of Railways belonging to the Calcutta Municipal
 Corporation or to the Calcutta Port Commissioners, the
 officers referred to in this rule as "the officers in charge of
 the section of the Railway" will be the Engineers in imme-
 diate charge of the line.*

7. The Manager shall cause departmental enquiry to be held promptly for the thorough investigation of the causes of every serious accident, and shall, if he considers it expedient, invite the Superintendent of Railway Police to be present at the enquiry if possible: in his unavoidable absence, an officer of police should be present. Also, he shall communicate the conclusion at which he has arrived as the result of the enquiries to the Magistrate mentioned in Rule 4, and, if on open line, to the Government Inspector, with a statement of the persons, if any, whom the Railway authorities intend to prosecute, unless the matter should form the subject of a magisterial enquiry under Rule 8.

8. It shall be the duty of the Manager or of the officer or officers to whom the duty is delegated by him to bring to justice, wherever sufficient evidence is forthcoming, all Railway subordinates guilty of crime or of breaches of the Indian Railway Act, or of the General Rules, calculated to cause serious accident; and to request the Superintendent of Railway Police to make a report of all cases in which there appears to be ground for suspecting Railway subordinates of such misconduct. Also, he shall request the Superintendent of Railway Police to prosecute all persons whom it may be decided should be prosecuted.

9. The Manager and all Heads of Departments shall facilitate the movements of the Medical Officers, the Police, the Magistrate, the Government Inspector and others concerned in reaching promptly the scene of the accident. And they shall assist these authorities in conducting enquiries either personally or by deputing some responsible and intelligent officer or officers as their representatives to aid in obtaining evidence and securing the attendance of the Railway subordinates.

10. In cases in which it is the duty of the Railway officers to arrest any offender under sections 48 and 49 of Act IV of 1879, the Manager or officer or officers nominated by him as responsible in the locality shall instruct the Railway Police Superintendent or the senior Police officer or Policeman present, or, in the event of there being no member of the Police force present, a Railway servant, to at once arrest the offender, or, when such offender is himself a Railway officer whose removal would cause danger or grave inconvenience, that precautions are taken to prevent his escape, pending the arrival of a substitute.

11. He or they shall arrange for the attendance as long as needful at the Court or place of enquiry of any officer or servant of the Railway, upon the requisition of the Magistrate or other civil officer.

12. The Manager shall maintain at each Railway station, or, in the case of lines under construction, in each Divisional office, a list of Magistrates or other officers (such list to be furnished by the Magistrate having jurisdiction over the place where the station is situated), to whom reports of accidents should be made; and he shall furnish Magistrates with a list of Railway officers to whom any summons may be sent for service on subordinate Railway servants.

13. In the case of judicial enquiries, he shall report the result to the Government Inspector, and forward copy of the decision of the Court.

14. He shall issue such detailed instructions as will give effect to the foregoing Rules, and furnish the Government Inspector with copy of all such detailed instructions as issued.

SECTION II.

Duties of the Railway and District Police.

15. An investigation may be made by the Railway Police in the case of any Railway accident.

16. Where there is no Railway Police, the duties imposed by these Rules on Railway Police, or the Railway Police Superintendent, must be discharged by the District Police, or the District Police Superintendent, in addition to their duties as such.

17. In the case of serious accidents, the Railway Police Superintendent, if any, or the District Superintendent of Police shall at once advise the Local Administration, and proceed without delay to the scene of the accident. If either officer be himself

unable so to proceed, he shall depute a subordinate, who, in the case of the District Police, shall be an Assistant Superintendent of Police where there is one, or, where there is no such officer, an Inspector. The officer unable to proceed shall also at once inform his departmental superior and the nearest Magistrate in the district.

18. Such accident shall forthwith be investigated by the Railway Police, and if the Police officer is of opinion that sufficient grounds exist for a judicial investigation, he will bind all parties to appear before a Magistrate on a date to be fixed by that officer. If the investigation be made by the Railway Police, immediate information shall be given to the District Police, either direct or through the Magistrate of the district. The result of the Police investigation prescribed by this rule shall be reported to the Manager of the Railway and to the Magistrate of the district.

19. When the investigation is made by the Railway Police, and the assistance of the officers of the District Police is called for, the latter shall afford all necessary assistance, and shall, if occasion arise, carry the investigation beyond the limits of the Railway premises. But the Railway Police Superintendent is primarily entrusted with the duty of investigation within such limits. Subject to any provisions elsewhere contained in these rules the further prosecution of the case on the conclusion of the preliminary local Police investigation shall rest with the Railway Police.

SECTION III.

Duties of Civil Officers.

20. It shall be in the discretion of the Magistrate of the district or of the Sub-divisional Magistrate, on receiving information of the occurrence of a serious Railway accident within the meaning of Rule 1, either—

- (a) himself to proceed to the scene of such accident and make any enquiry;
- (b) to depute a subordinate Magistrate to make enquiry; or
- (c) to direct investigation to be made by the Government Railway or District Police as the case may be;
- (d) to report to the Local Government serious accidents involving considerable loss of human life or indicating defective administration.

21. The Magistrate or other officer shall summon any servant of the Railway, and all other persons whose presence he may think necessary, and, after taking the evidence and completing this enquiry, shall, if he consider there are sufficient grounds for judicial investigation, take the requisite steps to bring to trial any person he may consider criminally liable for the accident.

22. The Manager or the Magistrate of the district, or the District Superintendent of Police, may require the Civil Surgeon of the district or any District Medical officer to proceed to the scene of any Railway accident attended with personal injury, for the purpose of rendering medical aid and of making, before the investigating authorities, any professional statements that may be required; and it shall be the duty of such Civil or Police Surgeon or Medical officer to proceed accordingly.

23. In cases where technical points are involved, the Magistrate or other officer should be careful to call for and take the opinion of professional persons.

24. The result of this preliminary local enquiry will invariably be communicated by the Magistrate to the Manager of the Railway and to the Government Inspector.

25. Should the Magistrate have delayed judicial action until receipt of the Railway departmental report he will then decide whether to discharge the persons accused or to proceed with the case.

26. If the Manager of the Railway do not prosecute the persons considered liable by the Civil officer, the Magistrate will arrange for their prosecution.

27. If, in the course of the judicial enquiry, the Magistrate wishes for the assistance of the Government Inspector or Manager of the Railway, or for the attendance of any officer of the Railway, to explain or give evidence upon any matter relating to Railway supervision, management or working, he will issue a requisition to such officers to attend the Court.

28. On the conclusion of the judicial enquiry, the Magistrate will, if necessary, report the result for the information of the Local Government; and he will send a copy of his decision to the Manager of the Railway.

29. Magistrates, through whose jurisdiction a Railway passes, shall maintain a list of Railway officers (such list to be furnished by the Manager), to whom summons may be sent for service on subordinate Railway servants, and shall furnish the Manager with a list of Magistrates or other officers to whom reports of accidents should be made.

SECTION IV.

Government Inspector's Duties.

30. On receiving notice of a serious accident to a train arising from defects of road or works or machinery or from obstructions, or in any case on requisition from the officer charged with the enquiry, the Government Inspector shall proceed himself, or by deputy, to the scene of the accident, shall note the facts, watch the proceedings of the departmental or magisterial enquiry and make such enquiries and investigations as he may think fit, calling upon the Manager or officer in charge of the line for any assistance needed, and shall form his own conclusions.

31. He shall submit his report, with any notes he may desire to record, to the Government concerned, forwarding copy to the Manager of the Railway and to the Magistrate having jurisdiction in British or in Native Territory, as the case may be.

32. He shall assist the Magistrate so far as he can in person or by deputy in the judicial enquiry whenever called upon to do so.

33. In important cases, where a remedy or change of system appears necessary, the Government or Administration concerned should be informed what steps have been, or are proposed to be, taken by the Railway to prevent a recurrence of similar accidents, and whether in his opinion further action in the matter is desirable.

1051 R 25 July 1893

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MADRAS RAILWAY LICENSED TELEGRAPHS

Service Message. Local No.

From (Station)	To (Station)	Code.	Date.
Words.	Time tendered or Transmission Hours Minute.		
FROM (Person)		TO (Person)	
1		2	
3		4	
5		6	
7		8	
9		10	
11		12	
13		14	
15		16	
17		18	
19		20	
21		22	
23		24	
25		26	
27		28	
29		30	
31		32	
Recd. from At hrs. mins. on the By	L. L.	Sent to. At hrs. mins. on the By	L. L.

Date 24 6 73 Signature.

2.C.27/100

Report of Accident on the 1st Division of the West Line Section Branch.

Western and General Provisions, Eastern and Western

Cuddapah	Collectorate.
1st Division 1st Section 157 1/16 mile	Railway District, Section and Mile.
Cuddapah and Siddhavattam	Between what two Stations and name of nearest village.
Not	Whether at a level crossing or not.
21st June 1893	Date of the Accident.
Left leg cut off between knee and thigh joint, by engine wheel passing over, causing death about two hours afterwards.	Nature of Accident.
Accidentally falling off engine while tightening smoke box door of S. 22 No. 90 engine, caused by breaking of handle which was flawed.	Circumstances which caused the accident.
Taken into Siddhavattam and medical aid telegraphed for from Cuddapah.	Nature of assistance afforded.
Rahimodeen, 35 years Mahomedan, Fireman.	Name, age, caste and occupation.
	Gratuity proposed to be given or not, and if so, how much
Reported to the Police Copy of verdict not yet received.	Whether reported to the Police authorities and verdict of inquest (if any)
The driver of the engine states that he gave no instructions to the fireman to tighten up the smoke box door.	Remarks by the Company's Officers, Engineers, Firemen, etc.

MADRAS RAILWAY.

1st Division 1st Section 157 1/16 mile

Cuddapah and Siddhavattam

Office Consulting Engineer for Madras Railway for information 29th June 1893.

Agent and Manager.

(Sd) M. J. Stanley, for Sd. Secy. Sd. Superintendent.

(Sd) M. J. Stanley, for Sd. Secy. Sd. Superintendent.

21st June 1893

21st June 1893

21st June 1893

MADRAS RAILWAY.

From
The Agent and Manager
To
The Consulting Engineer for Railways.

Dated
Received
187

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Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT

Read the following paper:—

From the District Magistrate, Buddapah,
of 5th July 1893. No. 579.
I have the honour to report that on
the evening of the 21st Ultimo, Rahim Mohadin,
fireman in the service of the Madras Railway
Company was run over by the Engine near the
15th mile between Buddapah and Sidhout
stations. The man seems to have been lightening
the handle of the smokebox and the accident
occurred apparently from the handle of the smoke-
box in front of the Engine breaking. As this
suggests that there was some flaw that had
not been detected (perhaps it could not have been
detected) before the Engine started on the journey.
I report the matter under clause (d) rule 20 of
the Rules on Railway accidents.

Order of 12th July 1893. O. No. 766.

Communicated to the Public Works Department.

(True Extract.)

To
The Public Works Department,
Railway Branch.

W. H. P. S.
Under Secretary, P. W. D.,
for Chief Secretary.

Gobt. of { 18 } Madras.

To
The Public Works Dept
Railway Branch

Recd: 18.7.93

Proceedings, dated 12 July 1893 -
No. 766.

Subject.

Communicating Copy
of a letter from the S.
M. of Cuddalore
reporting the occurrence
of a Railway accident
between Cuddalore
and Sidhont Station.

B. 1051 R 3 25 July 93.

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Recorded.

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