



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ಪತ್ರಿಕೆ

ಭಾಗ - IV-A

ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಅಕ್ಟೋಬರ್ ೧೧, ೨೦೧೦ (ಅಶ್ವಯುಜ ೧೯, ಶಕ ವರ್ಷ ೧೯೩೨)

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Urban Development Secretariat

NOTIFICATION

No. UDD 120 PRJ 2010 (P-2), Bangalore, Dated: 8th October, 2010

The draft of the following rules which the Government of Karnataka proposes to make in exercise of powers conferred by Section 24 of Mysore Tramways Act, 1906 (Mysore Act, II) is hereby published as required under Sub Section (1) to (5) of Section 26 of Mysore Tramways Act, 1906, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection or suggestion which may be received by the State Government from any person in respect of a said draft before the expiry of the period specified above will be considered by the State Government. The objections and suggestions may be addressed to Principle Secretary to Government (Additional Chief Secretary as the case may be), Urban Development Department, Vikas Soudha, Bangalore 01.

DRAFT RULES

THE BANGALORE METRO RAIL (ACCIDENTS AND INQUIRIES) RULES, 2010

In exercise of the powers conferred by section 24 of the Mysore tramway Act 1906, the State Government hereby makes the following rules, namely: -

1. Short title and commencement.-

1. These rules may be called the Bangalore Metro Rail (Notices of Accidents and Inquiries thereto) Rules, 2010.
2. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. -

- (1) In these rules unless the context otherwise requires -

- (a) "Act" means Mysore Tramway Act 1906,
- (b) "Accident" means any occurrence which causes or is potential to cause death or injury to staff, passengers or other persons or causes damage to the property of the Metro Rail, passengers or other persons;
- (c) "Chief Executive Officer" means the Metro Rail Administration Chief Executive Officer, incharge of working of the metro rail;
- (d) "Commissioner" means the Engineer appointed under section 12 of the Act.
- (e) "Deputy Commissioner" means the Deputy Commissioner of the District.
- (f) "Form" means the Form appended to these rules.
- (g) "Government" means the Urban Development Department of Government of Karnataka.

3. Particulars to be given in the notices.-

- (1) Where, in the course of working of metro rail--
 - (a) any accident attended with loss of any human life or with grievous hurt, as defined in the Indian Penal Code; or
 - (b) any collision between trains; or
 - (c) the derailment of any train carrying passengers, or of any part of such train; or
 - (d) any accident of a description usually attended with loss of human life or with such grievous hurt as aforesaid; or
 - (e) any accident of any other description which the State Government may notify in this behalf in the Official Gazette, occurs, the metro rail official in charge of the section of the metro rail on which the accident occurs, shall, without delay, give notice of the accident in the format and containing the particulars as given in Form I to the Deputy Commissioner and the Deputy Commissioner of Police, within whose jurisdiction the accident occurs, the officer in charge of the police station within the local limits of which the accident occurs and to such other Magistrate or police officer as may be appointed in this behalf by the State Government.
- (2) The metro rail administration, within whose jurisdiction the accident occurs, shall, without delay, give notice of the accident to the Government of Karnataka and the Commissioner.

4. Mode of sending notices.-The notices of accident shall be sent, without delay, by Bangalore Metro Rail Administration by telefax, or telephone, or through a special messenger, or such other means as may be available.

5. Facility for reaching the site of the accident.-Whenever any accident has occurred in the course of working the Bangalore Metro Rail, the Chief Executive Officer shall give all reasonable aid to the Deputy Commissioner or the Magistrate appointed or deputed or to the Commission of Inquiry appointed under the Commission of Inquiry Act, 1952 (60 of 1952), or any other authority to whom all or any of the provisions of the said Commission of Inquiry Act have been made applicable, and to

the Commissioner, medical officers, the police and others concerned to enable them to reach the site of the accident promptly, and shall also assist those authorities in making inquiries and in obtaining evidence as to the cause of the accident.

6. Attendance of metro railway employees at the place of inquiries conducted by Commissioner or a Magistrate.-When an inquiry by the Commissioner under rule 7, is being made, the Chief Executive Officer shall arrange for the attendance, as long as may be necessary, at the place of inquiry, of any metro railway employee whose evidence is likely to be required at such inquiry and the Chief Executive Officer shall also -

- (a) cause notice of the date, hour and place at which the inquiry shall begin to be given to the officers mentioned in clauses (b) and (c) of sub rule (1) of rule 10; and
- (b) arrange for the attendance of Bangalore Metro Rail Corporation employees, if required as witness at the inquiry.

7. Procedure for inquiry into accident by the Commissioner and report : -

1. On receipt of notice of an accident resulting in loss of human life or grievous hurt causing total or partial disablement of permanent nature to a passenger, the Commissioner shall, as soon as may be, notify the Chief Executive Officer of his intention to hold an inquiry and shall, at the same time, fix and communicate the date, time and place of the inquiry.
2. The Commissioner shall, while conducting an inquiry inform or cause to inform the Government, the Deputy Commissioner and the Deputy Commissioner of Police of the district concerned.
3. The Deputy Commissioner or Deputy Commissioner of Police, as the case may be, shall, as far as possible attend the inquiry conducted by the Commissioner personally or depute some other officer to represent him at the inquiry.
4. On completion of an inquiry in respect of any of the accidents, collisions or derailments, as the case may be, referred to in sub-rule (1), the Commissioner shall submit a brief preliminary narrative report to the Chief Executive Officer. Such report shall be factual and shall not contain any reference to persons implicated.
5. The preliminary narrative report of the inquiry by the Commissioner shall be followed by a detailed report to the Chief Executive Officer. Such detailed report shall be confidential and shall contain particulars as specified in sub-rule (1) of rule 11.
6. The Commissioner shall also forward copies of his report to, :
 - (i) the Government
 - (ii) Secretary, Urban Development Department, Govt. of Karnataka.
7. The recommendations in regard to publication of the report of the Commissioner shall be made to the Government which shall decide on the publication of the report.

8. Inquiry into accidents by metro rail administration .-

1. If for any reason, the Commissioner is unable to hold an inquiry into an accident at an early date after the occurrence of such an accident, he shall notify to the Chief Executive Officer the reason why the inquiry cannot be held by him.
2. Where no such inquiry is held by the Commissioner or where the Commissioner has informed the metro rail administration that he is not able to hold an inquiry, the Chief Executive Officer shall cause an inquiry to be made in accordance with the procedure specified in sub-rule (1) of rule 11.

9. Procedure for inquiry by the metro rail administration.-

On receipt of information from the Commissioner that he is not able to hold an inquiry, the Chief Executive Officer shall cause an inquiry (to be called a joint inquiry or a departmental inquiry) by constituting a committee of metro rail officials for a thorough investigation of the causes which led to the accident, collision or derailment, as the case may be.

10. Notice of joint inquiry or department inquiry.-

(1) Whenever a joint inquiry is to be made, the Chief Executive Officer shall cause notice of the date, place and hour at which the inquiry shall commence, to be given to the following officers, namely: -

- (a) the Commissioner concerned of the metro rail on which the accident occurred;
- (b) the Deputy Commissioner of the district in whose jurisdiction the accident occurred or such other officer as the Government of Karnataka may appoint in this behalf;
- (c) the Deputy Commissioner of the police having jurisdiction at the place where the accident occurred; and
- (d) the officer-in-charge of the police station having jurisdiction at such place.

(2) The date, place and hour at which the inquiry shall commence shall be fixed so as to give the officers mentioned in sub-rule (1) sufficient time to reach the place where the inquiry is to be held.

11. Procedure for joint inquiry or departmental inquiry and the action to be taken thereon.-

(1) The joint inquiry or departmental inquiry shall be sufficiently detailed so as to point out the cause of the accident. After completion of such inquiry, the report shall be submitted to the Chief Executive Officer and such report shall contain the following particulars, namely:-

- (a) brief description of the accident;
- (b) description of the locality of the accident;
- (c) detailed statement of the evidence taken;
- (d) the conclusions arrived at together with a note of dissent, if any;
- (e) reasons for conclusions arrived at;
- (f) the nature and extent of the damage done;

- (g) when necessary, a sketch illustrative of the accident;
- (h) the number of metro rail employees killed or injured;
- (i) the number of passengers killed or injured;
- (j) whether it has been a system failure or failure of an individual;
- (k) an appendix containing extracts of the rules violated by the staff responsible for the accidents; and
- (l) remedial action proposed.

(2) The Chief Executive Officer shall, with his remarks as to the action that is intended to be taken in regard to the staff responsible for the accident, or for the revision of rules, or the system of working, forward a copy of the report referred to in sub-rule (1) to the Commissioner.

12. Reports of inquiries into Technical Accidents etc. to be forwarded to Commissioner.-

(1) Whenever any accident, such as averted collisions, breach of rules, or other technical accidents, occurs in the course of working of a metro rail, Chief Executive Officer shall cause an inquiry, either a joint inquiry or a departmental inquiry to be held into the accident as per the procedure specified in sub-rule (1) of rule 11,

13. Return of accidents.-

(1) At the end of each financial year, the Chief Executive Officer shall send to the Government a return of all accidents that occurred on the Bangalore metro rail during that financial year, whether attended with injury to any person or not in the Form II.

NOTE :

All other words and expressions used herein and not defined shall have the meaning respectively, assigned to them in the respective Acts.

FORM I

(See rule 3)

NOTICE OF ACCIDENT

Details of the accident are as under:-

- (a) Time and date of the accident
- (b) Nature of the accident
- (c) Kilometer age, or station or both, at which the accident occurred
- (d) Number and description of the train or trains
- (e) Number of persons killed or injured, as far as is known
- (f) Cause of the accident, as far as is known
- (g) Probable detention to traffic

FORM - II
(See rule 13)

RETURN OF ACCIDENTS WHICH OCCURRED DURING THE YEAR

Sl. No.	Date of accident	Brief details of the accident	Action taken to prevent recurrence of accidents of this nature	Remarks

By order and in the name of Governor of Karnataka,

KOUSALYA
Under Secretary to Government
Urban Development Department