

**GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA**

STARRED QUESTION NO:167
ANSWERED ON:11.08.2011
RAIL TRANSPORT REGULATOR
Joshi Shri Pralhad Venkatesh

Will the Minister of RAILWAYS be pleased to state:

- (a): whether any mechanism exists to monitor and take up follow-up action, on the recommendations of panel/committees/commissions, constituted to probe rail accidents;
- (b): if so, the details thereof;
- (c): whether the Railways propose to set up an independent rail transport regulator to inquire into cases of accidents and fix responsibility for the lapses; and
- (d): if so, the details thereof and the steps being taken in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF RAILWAYS (SHRI DINESH TRIVEDI)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF STARRED QUESTION NO.167 BY SHRI PRALHAD JOSHI TO BE ANSWERED IN LOK SABHA ON 11.08.2011 REGARDING RAIL TRANSPORT REGULATOR.

(a) & (b): Yes, Madam. There is a laid down mechanism for monitoring and taking follow up action for every railway accident. Accidents are classified as per the provisions of Section 113 of the Railways Act, 1989, depending on their consequences. The level of inquiry in each accident is decided accordingly i.e. whether to be undertaken by the Commission of Railway Safety, functioning under the Ministry of Civil Aviation, or at the level of Railway Board, Zonal Railway (Zone/Division). The time frame for each activity i.e. inquiry, submission of report and action is laid down. For minor accidents, suitable (Jr. Scale, Sr.Scale, Jr. Administrative Grade) inquiry committee is set up at Divisional level or at SAG/HAG level in the Zonal Headquarters. For accidents involving loss of human life or major loss of property, inquiry is done by the Commissioner of Railway Safety (CRS) empowered by the Railways Act, 1989. In some cases, inquiry has also been done by a Commission, set up under 'The Commissions of Inquiry Act, 1952'. Apart from this, Expert Committees are set up by the Government from time to time to look into overall safety on Indian Railways and recommend suitable measures.

During 2008-09 to 2010-11 and the current year (upto July, 2011), there have been 329 consequential train accidents and 190 incidents at unmanned level crossings reported to Railway Board. Each accident/incident is inquired into by CRS or Departmental Inquiry Committee. So far inquiries in respect of 501 accidents/ incidents have been completed. Out of these, 50 cases have been inquired into by CRS and the balance by Departmental Inquiry Committee. In all 190 incidents at unmanned level crossings, the responsibility of the incident was found to be that of the road user under Section 131 of the Motor Vehicles Act, 1988. In balance 311 cases individual responsibility was fixed. During 2008-09 to 2010-11 and the current year (upto July, 2011), major and minor penalties have so far been imposed on 200 and 273 erring officials, respectively on the basis of individual responsibility fixed by the inquiry committee. Out of these, 80 Railway officials have been removed/ dismissed from Railway service during this period.

(c) & (d): The Railways Act, 1989 has already legislated the mechanism for holding of inquiries in railway accidents through an independent agency. Historically in 1940, the Central Legislature recommended that 'Senior Government Inspectors of Railways should be placed under the Administrative control of some authority of the Government of India other than the Railway Board.' Accordingly the 'Railway Inspectorate' was placed under the administrative control of the 'Department of Posts and Air' in May 1941 and continuously thereafter under whichever Ministry that held the portfolio of Civil Aviation. The erstwhile 'Railway Inspectorate' was re-designated as the Commission of Railway Safety headed by a Chief Commissioner of Railway Safety (CCRS) on 01.11.1961. The Indian Railway network is divided into nine Circles headed by a Commissioner of Railway Safety (CRS). CCRS and CRSs report to Ministry of Civil Aviation and are independent of Ministry of Railways.

Even though there is an independent mechanism to inquire into railway accidents, further strengthening of this mechanism is being examined.