

CHAPTER VIII ACCIDENTS AND INQUIRIES

67. Notice of accidents: —

(1) The notice of an accident required to be given under sub-section (1) of section 8 of the Act shall be given forthwith —

(a) to the Chief Controller or Controller under whose jurisdiction the area falls by Fax, E-mail or telegram (Telegraphic Address – Explosives, Nagpur, E-mail explosives@explosives.gov.in) followed by a letter giving particulars of the occurrence within 24 hours;

(b) to the District Magistrate concerned and

(c) to the officer-in-charge of the nearest Police Station by the quickest route.

(2) Pending the visit of the Chief Controller or Controller or until instruction is received from the Chief Controller or Controller that he does not wish to make any further investigation or inquiry, all wreckage and debris shall be left untouched except insofar as its removal may be necessary for the rescue of the persons injured and recovery of the bodies of any persons killed by the accident or in the case of railway or road for the restoration of through communication or traffic.

68. Inquiry into accidents: —

(1) Whenever a District Magistrate or a Commissioner of Police or a Magistrate subordinate to a District Magistrate (hereinafter in this rule referred to as the Magistrate) holds an inquiry under sub-section (1) of section 9 of the Act, he shall adjourn such an inquiry unless the Chief Controller or Controller or an officer nominated by him is present to watch the proceedings or the Magistrate has received written information from the Chief Controller or Controller that he does not wish to send a representative.

(2) The Magistrate shall, at least fourteen days before holding an adjourned inquiry, send to the Chief Controller or Controller notice in writing of the time and place of holding the adjourned inquiry.

(3) Where an accident has been attended with loss of human life, the Magistrate, may before the inquiry is adjourned under sub-rule (1) take evidence to identify the bodies and may order the internment thereof.

(4) The Chief Controller or Controller or his representative shall be at liberty at any such inquiry to examine any witness.

(5) Where evidence is given at an enquiry of any neglect as having caused or contributed to the explosion or accident or of any defect in or about or in connection with any installation or any vehicle appearing to the Magistrate to require a remedy and the Chief Controller or Controller or the officer nominated by him is not present at the enquiry, the Magistrate shall send to the Chief Controller notice in writing of the neglect or defect.

69. Inquiry into more serious accidents: — (1) Whenever an inquiry is held under section 9A of the Act, the person holding such inquiry shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report under this rule:

Provided that where the Central Government so directs, the inquiry may be held in camera.

(2) Persons attending as witnesses before the enquiry court shall be allowed such expenses as would be allowed to witnesses for attending before a Civil Court subordinate to the High Court having jurisdiction in the place where the inquiry is held and in case of any dispute as to the amount to be allowed, the question shall be referred to the local Magistrate, who, on a request made by the enquiry officer, shall ascertain and certify the proper amount of such expenses.

(3) All expenses incurred in or about an inquiry or investigation under sub-rule (2) of rule 69 shall be deemed to be part of the expenses of the Department of Explosives in executing the provisions of the Act.