



Geeta Institute Of Law – Moot Problem

7th National Moot Court Competition

Republic of Narissa is a vast country in the continent of Asia. Being geographically vast and diverse country Railways are a preferred means of transport in the Republic. The railways of Republic of Narissa are run by the Ministry of Railways which is a part of the government of Narissa. The Railway minister is the incharge of the Railways however all the work and duties are discharged by the behemoth railway bureaucracy. For the ease of management railways is divided into various zones.

Gambhir Gati Express is one such train run by the railways between the cities of Mujana and Dujana. The railway line on the section between Mujana and Dujana is 13 years old. While the Standard Operating Procedure of Railways suggests that the tracks must be changed every 12 years.

On the night of 15/10/2016 when the Gambhir Gati express started a journey from Mujana (at 8:00 PM) and was on its way to Dujana when at 11:30 PM it met with an accident. Due to the accident several carriages of the Gambhir Gati express had derailed and piled on each other. As the accident happened during night hours therefore the sleeping passengers were caught unawares and could not escape. Sadly 200 people were killed and 435 were grievously injured. Village Kranti Pur lies adjacent to the place where crash happened. Villagers reported of hearing a loud bang on night of 15/10/2016 whereupon they rushed to the spot. On the spot they found several bogies of the train had derailed. They immediately informed the local police by dialing the 100 helpline. The person who received the call advised them to contact the related GRP(Government Railway Police) as they are the agency responsible to take care of matters related to railways. Then after persuasion of the villages, the beat constable posted at Krantipur called his superiors who sent a police team at the crash spot.

In the meantime the villagers acting on their own had pulled out 12 dead bodies as well as 23 grievously injured. However when the police came they refused to take the injured victims to hospitals saying that in this condition it was best to wait for the relief train.





Next morning the media all over the nation extensively covered the news and this raised a lot of hue and cry. Realizing the graveness of the situation the ministry of railways announced the set up of a inquiry committee to look into the causes of the accident.

The inquiry committee looked into three aspects as part of its examination to ascertain the causes of accident.

1. Machine error- to ascertain machine error the committee looked into the wrecked ruins of the engine and the carriages. Then they examined the signaling system and the track change system which is controlled by the cabin located at various places adjacent the railway lines.

2. Human error- after the accident immediately the medical examination of the grievously injured Loco Pilots was done to trace any residue of alcohol and drugs. The statement of both the drivers were taken and corroborated. Logs and duty charts were obtained from the respective offices to ascertain the work experience of the drivers.

3. Circumstantial error- driver of Goods train number GHM3456 (who had passed the place of occurrence of accident 20 minutes earlier) was called to depose whether he had noticed anything unusual. All Line Men and Patrolling Parties were called to depose whether they had noticed any abnormality in the tracks.

In the meantime the commission also received the autopsy report of all 200 victims. The autopsy report suggested grave physical injury as the cause of the death of 135 victims. However the rest 65 victims had died as a result of excessive bleedings from their non-life threatening injuries. Upon further inquiry it was found that the train crash happened at 11:30 PM and the guard of the train flashed the message of crash on his wireless at 11:32 PM. Till 11:40 PM there was no response from any authority. At 11:40 PM the station master of Dujana spoke over wireless and asked the guard about seriousness of the crash. Till 11:50 the conversation continued whereupon after being convinced that the crash had taken place the station master at Dujana informed the DRM(Divisional railway Manager) Dujana who was asleep at that time at his residence. The DRM replied at 00:15 AM and came to station at 1:00 AM. He then gave a written authorization at 1:10 AM thus enabling the sending of relief team to the accident spot.





The relief team was sent to the site of accident in another train equipped with a team of doctors, mini operation theatre and heavy crane at about 1:30 AM. The relief train reached the site of accident at 3:30 AM after which the relief operation was started.

After prolonged hearing of all injured survivors as well as all the witnesses. The commission recorded the following observation.

1. The driver of Gambhir Gati express was at fault. After hearing a loud bang he applied the emergency brakes even though the speed of train was at 130 kmph.
2. The station master was at fault for not taking the initiative on his own and sending the relief team as soon as possible.
3. The station master was at fault for not informing the local police in time who would have immediately rushed to the spot.
4. The Divisional Railway Manager was at fault for not responding to the distress call of manager at once and not issuing oral authorization. Invaluable time was lost in his taking time to come to station.
5. The local police was at fault for not sending the injured to Primary Health Centre at Krantipur for primary first aid and leaving them withering in pain at the accident spot itself.

The commission recommended suspension of Station master and Divisional Railway Manager of Dujana with immediate effect. It also announced that the accident took place due to faulty railway tracks which had to be replaced a year ago but were not replaced. It however blamed the high number of deaths on local district administration who failed to report to the crash site in proper time and carry out the rescue operation. It blamed the District collector of Dujana of not sending a team of doctors immediately to the spot.

However unsatisfied over the actions taken by the commission 'Citizen Group' a Non Governmental Organization filed a Public Interest Litigation in the Supreme Court of Narissa on behalf of all the victims of the crash raising the following grounds-

1. Register a FIR and make the DRM and Station Master criminally liable for criminal negligence under 304A IPC.
2. Initiate action against the State Police for not carrying the injured to the hospitals and insuring first aid.





3. Criminal action against the person in charge of changing the railway tracks for not changing the railway tracks due their changing date.

4. Any other remedy which the Hon'ble court may deem fit.

Keeping in mind all these points and any other relevant points, prepare the arguments from both the sides.

*In addition to that, TEAMS ARE ALLOWED TO FRAME THEIR OWN ISSUES ON THE BASIS OF THE MOOT PROBLEM.

**The Laws of REPUBLIC OF NARISSA are 'Pari Materia' to the Laws of Union of India.

***Divisional Railway Manager (DRM)- The Divisional Railway Manager (DRM) heads the organization at the Division level.

