

CHAPTER IV

CLAIMS FOR COMPENSATION OTHER THAN THOSE RELATING TO LOSS ETC. OF GOODS AND POWERS OF GENERAL MANAGERS FOR MAKING EX-GRATIA PAYMENT TO PERSONS INVOLVED IN ACCIDENTS TO TRAINS

Liability of Railway Administration for Death and Injury to Passengers due to Accidents and Untoward Incidents

401. The liability of Railway Administration for death and injury to passengers due to accidents and untoward incidents is governed by the provisions contained in Chapter XIII of the Railways Act, 1989 (No. 24 of 1989).

The term "accident" and "untoward incident" have been defined in Sections 123, 124 & 124-A of the Railway Act, 1989. The Act also provides that an application for compensation may be made to the Railway Claims Tribunal established under Section 3 of the Railway Claims Tribunal Act, 1987.

(Authority: Railway Board letter No.98/ TC-III/ 4/Comml.Code dated 07.05.99)

402. Rules made by the Central Government under powers conferred by Section 129 of the Railways Act, 1989 (No. 24 of 1989) read with Section 22 of the General Clauses Act, 1897 (No. 10 of 1897) are placed at Appendix IV.

Rates of compensation payable for death or different descriptions of injury are contained in the Schedule attached with these Rules which is also attached in the same Appendix IV.

Ex-gratia Payment to Persons involved in Accidents to Moving Trains including Shunting Engines and Light Engines.

403. (i) The amount of Ex-gratia relief payable to the dependents of dead or injured passengers involved in train accidents or untoward incident as defined under sections 124 and 124-A should be as under :-

(a) In the case of death ♦ Rs. 15,000/-.

(b) In the case of grievous injury ♦ Rs. 5,000/-.

(c) In case of simple injuries ♦ Rs. 500/-.

(ii) No ex-gratia relief would be admissible to the trespassers, persons electrocuted by O.H.E. and road users at unmanned level crossings.

The amount of ex-gratia relief admissible to road users who meet with an accident due to Railways prima facie negligence at manned level crossings would be as under: ♦

(i) in case of death ♦ Rs. 4,000/-.

(ii) in case of grievous injuries ♦ Rs. 1,500/-.

(iii) in case of simple injuries ♦ nil.

In case of road users who are injured at manned level crossings, such payments will be counted towards the amount of compensation payable if action is tenable against the Railways under the law of torts and award is actually granted by a Court of Law.

Ex-gratia payment could also be made to Railway Servants killed or injured while on duty by a moving train, e.g., gangman working in track run over accidentally by a moving train.

(iii) These payments should be made at the spot of the accident, at the personal discretion of a Senior Scale (or higher) Officer to be nominated by the General Manager, as soon as possible after the immediate needs by way of medical attendance etc. to the injured persons have been attended to.

(iv) These ex-gratia payments should not be taken into account at the time of disposal of the formal claim before the Railway Claims Tribunal, except in the case of road users at manned level crossings as mentioned above.

NOTE : Railway employees travelling on duty or as passengers against Free Passes are to be treated as bonafide passengers for this purpose.

(Authority:-**Railway Board Letter No.98/TC-III/Comml. Code dated 07.05.99 --acs no. 7**)

Claims for Compensation other than those relating to (i) Goods lost or Damaged and (ii) those arising out of Railway Accidents

404. (i) General Managers have the following powers : ♦

For payment of claims for compensation other than those relating to goods lost or damaged and those arising out of railway accidents: ♦

(a) Claims settled out of court ♦ upto Rs. 10,000 in each case.

(b) Claims decreed by a court of law ♦ full powers subject to the condition that particulars of cases involving expenditure of more than Rs. 25,000 in each case should be reported to Railway Board for information.

NOTE : The powers under item (a) above should not be redelegated to subordinate authorities.

(ii) Each such claim should be carefully examined and legal advice obtained before it is decided to pay any compensation "out of Court" or before contesting a suit in a Court of Law.