

RAILWAY ACCIDENT (COMPENSATION) RULES, 1990

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RAILWAY ACCIDENT (COMPENSATION) RULES, 1990

In exercise of the powers conferred by Section 129 of the Railways Act, 1989 (24 of 1989) read with S.22 of the General Clauses Act, 1897 and in supersession of the Railway Accidents (Compensation) Rules, 1989 except in respect of things done or omitted to be done before such supersession, the Central Government hereby makes the following rules namely:

CHAPTER 0 PRELIMINARY

1. Short title and commencement :-

(1) These rules may be called the ¹["Railway Accidents and Untoward Incidents"] (Compensation) Rules, 1990.

(2) They shall come into force on the date of commencement of the Act. ²

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

(a) "accident" means an accident of the nature described in Section 124 of the Act ;

(b) 'Act' means the Railways Act, 1989 (24 of 1989) ;

(c) "Claims Tribunal" means the Railway Claims Tribunal established under Section 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987) ;

(d) "Schedule" means the schedule to these rules ; and

³(e) "untoward incident" means an incident defined in clause (c) of Section 123 of the Act.

⁴ (2) The words used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in that Act.

1. Substituted for "Railway Accidents ", vide " THE RAILWAY ACCIDENT (COMPENSATION) RULES, 1990" Dt.22nd July, 1994 Published in Ministry of Railways, Noti. No. G.S.R. 592(E), dated July 21, 1994, published in the Gazette of India, Extra., Part II, Section 3(i), dated 22nd July, 1994, pp. 2-3, No. 307 [No. 93/TG-II/1026/6/Ins. Schemes] [L]

2. Rule(2) renumbered as sub-rule(1) and inserted in sub-rule(2) of Rule(1) by the Railway Accidents (Compensation) Amendment Rules, 1994 dated 22nd July, 1994

3. Substituted for " (e) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act. ", vide " THE RAILWAY ACCIDENT (COMPENSATION) RULES, 1990" Dt.22nd July, 1994 Published in Ministry of Railways, Noti. No. G.S.R. 592(E), dated July 21, 1994, published in the Gazette of India, Extra., Part II, Section 3(i), dated 22nd July, 1994, pp. 2-3, No. 307 [No. 93/TG-II/1026/6/Ins. Schemes] [L]

4. Inserted vide " THE RAILWAY ACCIDENT (COMPENSATION) RULES, 1990" Dt.22nd July, 1994 Published in Ministry of Railways, Noti. No. G.S.R. 592(E), dated July 21, 1994, published in the Gazette of India, Extra., Part II, Section 3(i), dated 22nd July, 1994, pp. 2-3, No. 307 [No. 93/TG-II/1026/6/Ins. Schemes] [L]

2. Definitions :-

3. Amount of Compensation :-

(1) The amount of compensation payable in respect of death for injuries, shall be as specified in the Schedule.

(2) The amount of compensation payable for an injury not specified in Part II or Part III of the Schedule but which, in the opinion of the Claims Tribunal is such as to deprive a person of all capacity to do any work, shall be rupees two lakhs.

(3) The amount of compensation payable in respect of any injury (other than an injury specified in the Schedule or referred to in sub-rule (2) resulting in pain and suffering, shall be such as the Claims Tribunal may after taking into consideration medical evidence, besides other circumstances of the case, determine to be reasonable : Provided that if more than one injury is caused by the same accident, compensation shall be payable in respect of each such injury : Provided further that the total compensation in respect of all such injuries shall not exceed rupees forty thousand.

(4) Where compensation has been. paid for any injury which is less than the amount which would have been payable as compensation if the injured person had died and the person subsequently dies as a result of the injury, a further compensation equal to the difference between the amount payable for death and the already paid shall become payable.

(5) Compensation for loss, destruction or deterioration of goods or animals shall be paid to such extent as the Claims Tribunal may, in all the circumstances of the case, determine to be reasonable.

4. Limit of Compensation :-

Notwithstanding anything contained in Rule 3, the total compensation payable under that rule shall in no case exceed rupees two lakh in respect of any one person.

SCHEDULE 1

COMPENSATION PAYABLE FOR DEATH AND INJURIES

PART

1

PART

2

PART

3