

RAILWAY ACCIDENTS UNTOWARD INCIDENTS (COMPENSATION) RULES, 1990

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RAILWAY ACCIDENTS UNTOWARD INCIDENTS (COMPENSATION) RULES, 1990

G.S.R. 552 (E), dated 7th June, 1990. - In exercise of the powers conferred by Sec. 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 1 PRELIMINARY

1. Short title and commencement :-

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

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

1. Subs. by G.S.R. 592(E). dated 21st July, 1994(w.e.l. 1st August, 1994). for the words "Railway Accidents".

2. Definitions :-

¹[(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 Sec. 3 of the Railway Claims Tribunal Act, 1987 (54 of 1987):

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

²[(e) "untoward incident" means as incident defined In Cl. (e) of Section 123 of the Act.]

³ [(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. Re-numbered by Subs. by G.S.R. 592(E), dated 21st July, 1994(w.e.l. 1st August, 1994). for the words "Railway Accidents".

2. Subs. by Re-numbered by Subs. by G.S.R. 592(E), dated 21st July, 1994(w.e.l. 1st August, 1994). for the words "Railway Accidents".

3. Subs. by Re-numbered by Subs. by G.S.R. 592(E), dated 21st July, 1994(w.e.l. 1st August, 1994). for the words "Railway Accidents".

CHAPTER 2

CLAIMS FOR COMPENSATION

3. Amount of compensation :-

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

(2) The amount of compensation payable for an injury not specified in Pt. II or 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 four 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 eighty 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 that 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 ¹ ["rupees four lakhs"] in respect of any one person.

1. Substituted for "rupees two lakhs ", vide " RAILWAY ACCIDENTS UNTOWARD INCIDENTS (COMPENSATION) RULES. 1990" Dt.25th October, 1997 Published in Ministry of Railways (Railway Board), Noti. No. G.S.R. 620(E), dated October 25, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 25th October, 1997, pp. 5-8, No. 420 [File No. 97/TC-III/86/I] [L]

SCHEDULE 1

SCHEDULE

(See Rule 3) Compensation Payable for Death and Injuries PART I Amount of Compensation (in rupees) For death 4,00,000 PART II (1) For loss of both hands or amputation at higher sites 4,00,000 (2) For loss of hand and a foot 4,00,000 (3) For double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot 4,00,000 (4) For loss of sight to such an extent as to render the claimant unable to perform any work for which eye sight is essential 4,00,000 (5) For very severe facial disfigurement 4,00,000 (6) For absolute deafness 4,00,000 PART III (1) For amputation through shoulder joint 3,60,000 (2) For amputation below shoulder with stump less than 8" from tip of acromion 3,20,000 (3) For amputation from 8" from tip of acromion to less than 4 1/2" below tip of olecranon 2,80,000 (4) For loss of a hand or the thumb and four fingers of one hand or amputation from 4 1/2" below space tip of olecranon 2,40,000 (5) For loss of thumb 1,20,000 (6) For loss of thumb and its metacarpal bone 1,60,000 (7) For loss of four fingers of one hand 2,00,000 (8) For loss of three fingers of one hand 1,20,000 (9) For loss of two fingers of one hand 80,000 (10) For loss of terminal phalanx of thumb 80,000 (11) For amputation of both feet resulting in end-bearing stumps 3,60,000 (12) For amputation through both feet proximal to the metatarso-phalangeal joint 3,20,000 (13) For loss of all toes of both feet through the metatarso-phalangeal joint 1,60,000 (14) For loss of all toes of both feet proximal to the proximal interphalangeal joint 1,20,000 (15) For loss of all toes of both feet distal to the proximal interphalangeal joint 80,000 (16) For

amputation at hip 3,60,000 (17)For amputation below hip with stump not exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh 3,20,000 (18)For amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh 2,80,000 (19)For amputation below middle thigh to 3 1/2" below knee 2,40,000 (20)For amputation below knee with stump exceeding 3 1/2" but not exceeding 5" 2,00,000 (21)Fracture of Spine with paraplegia 2,00,000 (22)For amputation below knee with stump exceeding 5" 1,60,000 (23)For loss of one eye without complications the other being normal 1,60,000 (24)For amputation of one foot resulting in end-bearing 1,20,000 (25)For amputation through one foot proximal to the metatarsophalangeal joint 1,20,000 (26)Fracture of Spine without paraplegia 1,20,000 (27)For loss of vision of one eye without complications of disfigurement of eye ball, the other being normal 1,20,000 (28)For loss of all toes of one foot through the metatarso-phalangeal joint 80,000 (29)Fracture of Hip-joint 80,000 (30)Fracture of Major Bone-Femur, Tibia of Both limbs 80,000 (31)Fracture of Major Bone-Humerus, Radius of Both limbs 60,000 (32)Fracture of Pelvis not involving joint 40,000 (33)Fracture of Major Bone-Femur. Tibia of one limb 40,000 (34)Fracture of Major Bone-Humerus, Radius and Ulna of One limb. 32,000