

Amendment Slip No. 01 dated 21.08.2012 to the Accident Manual 2012 of NCR

Existing paras 1,3&4 of Appendix 'G' on page 132 are deleted and substituted as under –

1. The amount of ex-gratia relief to be paid to the dependents of dead or injured passengers involved in only Train Accidents, as defined under section 124 of the Railways Act 1989, is as under –

- (i) In case of death Rs. 50,000/-
- (ii) In case of grievous injury Rs. 25,000/-
- (iii) In case of simple injury Rs. 5,000/-

2. Existing para 2 is renumbered as 8 and new para is added at S.No.2, as under -

The rate of ex-gratia for death/injury in Untoward Incident, as defined under section 124-A of the Railways Act 1989, is as under –

- (i) In case of death Rs. 15,000/-
- (ii) In case of grievous injury Rs. 5,000/-
- (iii) In case of simple injury Rs. 500/-

3. The amount of ex-gratia relief admissible to road users, who meet with an accident due to Railway's prima facie liability at Manned Level Crossings, would be as follows –

- (i) In case of death Rs. 50,000/-
- (ii) In case of grievous injury Rs. 25,000/-
- (iii) In case of simple injury Rs. 5,000/-

4. The amount of ex-gratia relief admissible to road users who meet with an accident due to Railway's prima facie liability at Manned Level Crossings will be counted towards the amount of compensation payable, if action is tenable against the Railways under the Law of Torts and an award is actually granted by a Court of Law.

Encl : Section 124-A of Indian Railways Act 1989.

31  
ms/l  
(U.K.Singh)  
COM

Section 124-A of Indian Railways Act 1989 is added below section 124 on page 140 of Accident Manual of NCR as under -

**Section 124-A Compensation on account of untoward incidents** – When in the course of working a Railway an untoward incident occurs, then whether or not there has been any wrongful act, neglect or default on the part of the Railway administration such as would entitle a passenger who has been injured or the dependent of a passenger who has been killed to maintain an action and recover damages in respect thereof, the Railway administration shall, notwithstanding anything contained in any other law, be liable to pay compensation to such extent as may be prescribed and to that extent only for loss occasioned by the death of, or injury to, a passenger as a result of such untoward incident:

Provided that no compensation shall be payable under this section by the Railway administration if the passenger dies or suffers injury due to –

- (a) suicide or attempted suicide by him ;
- (b) self-inflicted injury;
- (c) his own criminal act;
- (d) any act committed by him in a state of intoxication or insanity;
- (e) any natural cause or disease or medical or surgical treatment unless such treatment becomes necessary due to injury caused by the said untoward incident.

**Explanation** - For the purposes of this section, "passenger" includes –

- (i) A Railway servant on duty; and
- (ii) A person who has purchased a valid ticket for travelling, by a train carrying passengers, on any date or a valid platform ticket and becomes a victim of an untoward incident.