

# THE RAILWAY ACCIDENTS AND UNTOWARD INCIDENTS (COMPENSATION) RULES, 1990<sup>1</sup>

*In exercise of the powers conferred by section 129 of the Railways Act, 1989 (24 of 1989) read with section 22 of the General Clauses Act, 1897 (10 of 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:—*

## PRELIMINARY

**1. Short title and commencement.**—(1) These rules may be called THE <sup>2</sup>[RAILWAY ACCIDENTS AND UNTOWARD INCIDENTS] (COMPENSATION) RULES, 1990.

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

**2. Definitions.**—<sup>3</sup>[(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

<sup>2</sup>[(e) “untoward incident” means an incident defined in clause (c) of section 123 of the Act.]

<sup>3</sup>[(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.]

## CLAIMS FOR COMPENSATION

**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 <sup>4</sup>[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 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 <sup>5</sup>[rupees eighty thousand].

1. *Vide* G.S.R. 552(E), dated 7-6-1990, published in the Gazette of India, Ext., Pt. II, S. 3(i), dated 7-6-1990.

2. Substituted by G.S.R. 592(E), dated 21-7-1994 (w.e.f. 1-8-1994).

3. R. 2 renumbered as sub-R. (1) thereof and sub-R. (2) inserted by G.S.R. 592(E), dated 21-7-1994 (w.e.f. 1-8-1994).

4. Substituted by G.S.R. 620(E), dated 25-10-1997, for “rupees two lakhs” (w.e.f. 1-11-1997).

5. Substituted by G.S.R. 620(E), dated 25-10-1997, for “rupees forty thousand” (w.e.f. 1-11-1997).

(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 four lakhs] in respect of any one person.

[SCHEDULE

(See rule 3)

COMPENSATION PAYABLE FOR DEATH AND INJURIES

		Amount of compensation (in Rs.)
PART I		
	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 <sup>1</sup> / <sub>2</sub> " 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 <sup>1</sup> / <sub>2</sub> " below 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

6. Substituted by G.S.R. 620(E), dated 25-10-1997, for "rupees two lakhs" (w.e.f. 1-11-1997).

7. Substituted by G.S.R. 620(E), dated 25-10-1997, for the original Schedule (w.e.f. 1-11-1997).

1	2	3
(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 inter-phalangeal 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	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 <sup>1</sup> / <sub>2</sub> " below knee	2,40,000
(20)	For amputation below knee with stump exceeding 3 <sup>1</sup> / <sub>2</sub> " 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 metatarso-phalangeal 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 both limbs	80,000
(31)	Fracture of Major Bone—Humerus, Radius 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]