

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No. 2011/TC-III/27/29/Ex-gratia

Rail Bhawan, New Delhi – 110 001
July 26, 2012

The General Manager (Claims)
All Indian Railways

Sub : Ex-gratia relief payable in case of death/injury of railway passengers in Train Accidents as defined under Section 124 of the Railways Act, 1989 and to the road users in Manned Level Crossing gate accidents.

Reference is made to Board's letters No. 93/TC-III/122/1/Ex-gratia dated 21.8.1995 and 26.4.1996 prescribing inter alia the rates of ex-gratia to be paid to the dependents of dead and injured bona fide passengers involved in Train Accidents, No. 93/TC-III/122/1/Ex-gratia dated 18.11.1999 prescribing the rate of ex-gratia relief to be paid to the road users for death/injury in Manned Level Crossing Gate Accidents and also No. 2002/TC-III/28/3 dated 12.6.2002 circulating the consolidated instructions regarding grant of ex-gratia relief to the persons involved in train accident/untoward incidents and in the case of level crossing gate accidents.

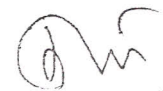
2. It has now been decided to revise the amount of ex-gratia relief to be paid to the dependents of dead or injured passengers involved in only **Train Accidents** as defined under Sections 124 of the Railways Act, 1989 and to the road users who meet with an accident due to Railway's prima facie liability at **Manned Level Crossing Gate Accident**, which is as under:

	Type of accident	Amount of ex-gratia for Death	Amount of ex-gratia for Grievous Injury	Amount of ex-gratia for Simple Injury
1)	In case of Train Accident (as defined under Section 124 of the Act)	Rs. 50,000/- (Rupees Fifty Thousand only)	Rs. 25,000/- (Rupees Twenty Five Thousand only)	Rs. 5000/- (Rupees Five Thousand only)
2)	In case of Accident at Manned Level Crossing (due to Railway's prima facie liability)	Rs. 50,000/- (Rupees Fifty Thousand only)	Rs. 25,000/- (Rupees Twenty Five Thousand only)	Rs. 5000/- (Rupees Five Thousand only)

3. The rate of ex-gratia for death/injury in Untoward Incident, as defined Section 124-A of the Railways Act, 1989, will remain the same as prescribed in Board's letter No. 93/TC-III/122/1/Ex-gratia dated 21.8.1995 and 26.4.1996 and No. 2002 III/28/3 dated 12.6.2002, which is Rs. 15000/- (Rupees Fifteen Thousand only) in case of death, Rs. 5000/- (Rupees Five Thousand only) in case of grievous injury and Rs. 500/- (Rupees Five Hundred only) in case of simple injury.
4. No ex-gratia relief is admissible in case of accident at Unmanned Level Crossing
5. The other instructions contained in Board's letter No. 93/TC-III/122/1/Ex. Grat. dated 21.8.1995 would remain the same, which are reiterated as under :
 - (i) No ex-gratia payment would be admissible to the trespassers, persons electrocuted by OHE and road users at unmanned level crossings.
 - (ii) 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 Crossing Gate Accident 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.
 - (iii) Ex-gratia payments should also be made to railway servants killed or injured by a moving train while performing their duty, for example, gangman working on track run over accidentally by a moving train.
 - (iv) Payments should be sanctioned/arranged preferably on the spot by a Senior Scale Officer nominated by the General Manager after making such enquiries as can be reasonably made on the spot after the immediate needs by way of medical attendance etc. to injured persons are attended to.
 - (v) These ex-gratia payments, except in case of road users at manned level crossings, are not to be taken into account at the time of formal claims for compensation.

These instructions will come into force from 1st August, 2012.

This issues with the concurrence of Finance Directorate.



(Kranti Kumar)

Joint Director Traffic Comm. (Claims)
Railway Board

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Copy to : CCMs, CCOs, CSOs, All Zonal Railways for information and necessary action.



(**Kranti Kumar**)

Joint Director Traffic Comm. (Claims)
Railway Board

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for Financial Commissioner / Railways

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Safety(A&R), Safety(Control), Comm.(Control) Branches of Railway Board.
Chairman, Konkan Railway Corp., Belapur House, New Mumbai-400614.