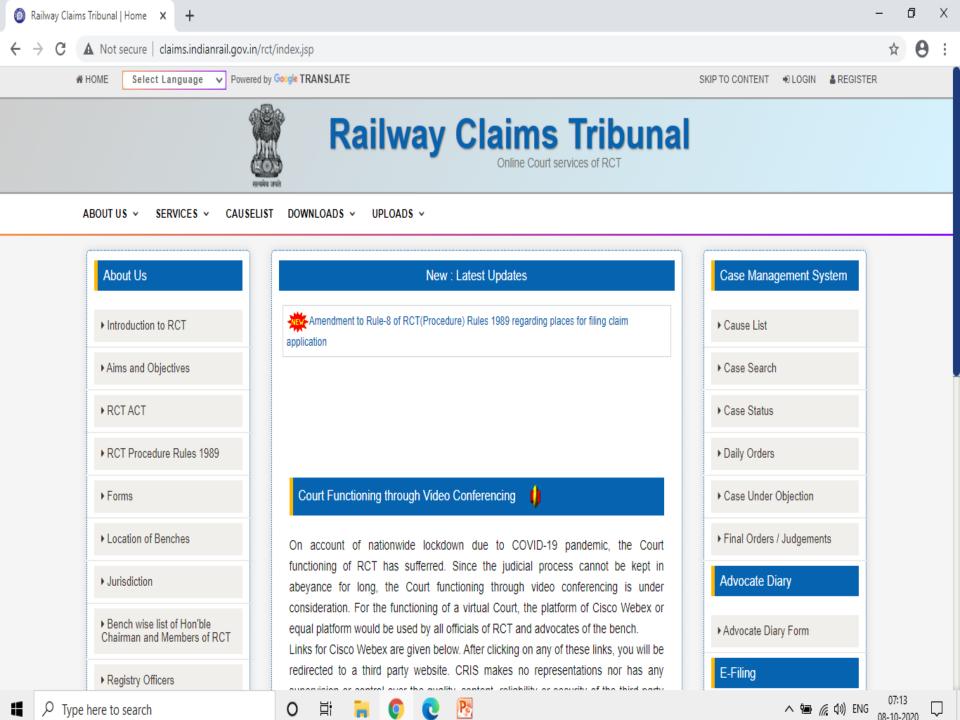
- Rly is not only limited to the running of railway, it is something beyond that.
- Functioning of railways also includes issues like
 - ✓ Accidents causing Death;
 - ✓ Accidents causing injuries;
 - √ The refund of fares & Freight;
 - √Thefts;
 - ✓ Loss or damage to the goods;
 - ✓ Non-delivery of the goods;
- Liability of the Railway Administration is laid down in the Section 103 Railway Act, 1989.

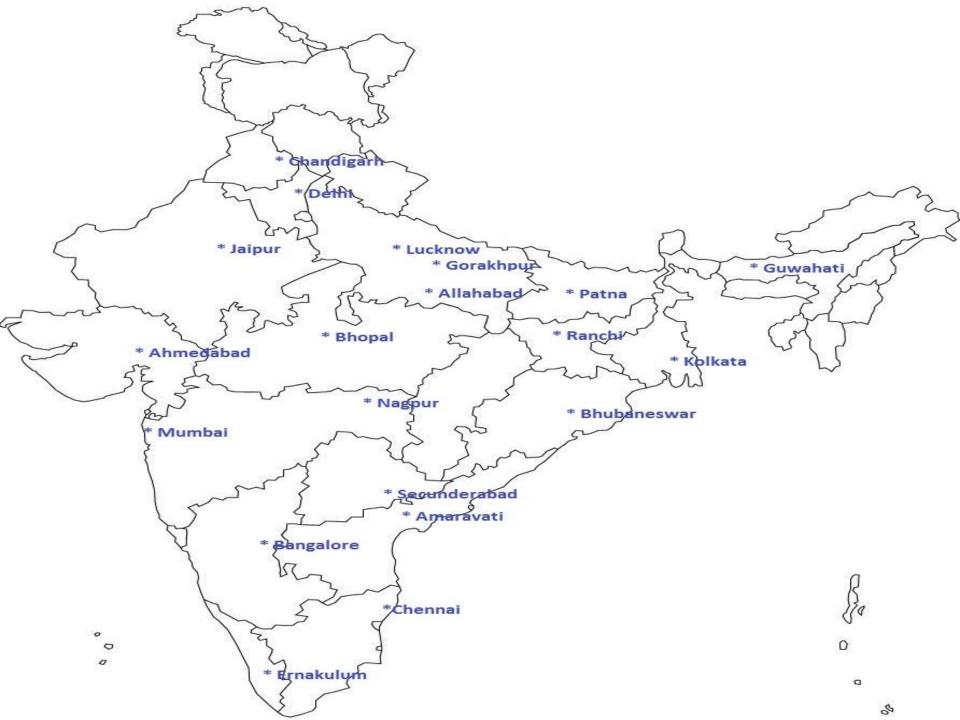
- *RCT was established under the Railway Claims Tribunal Act, 1987.
- RCT came into force from 8th November 1989.

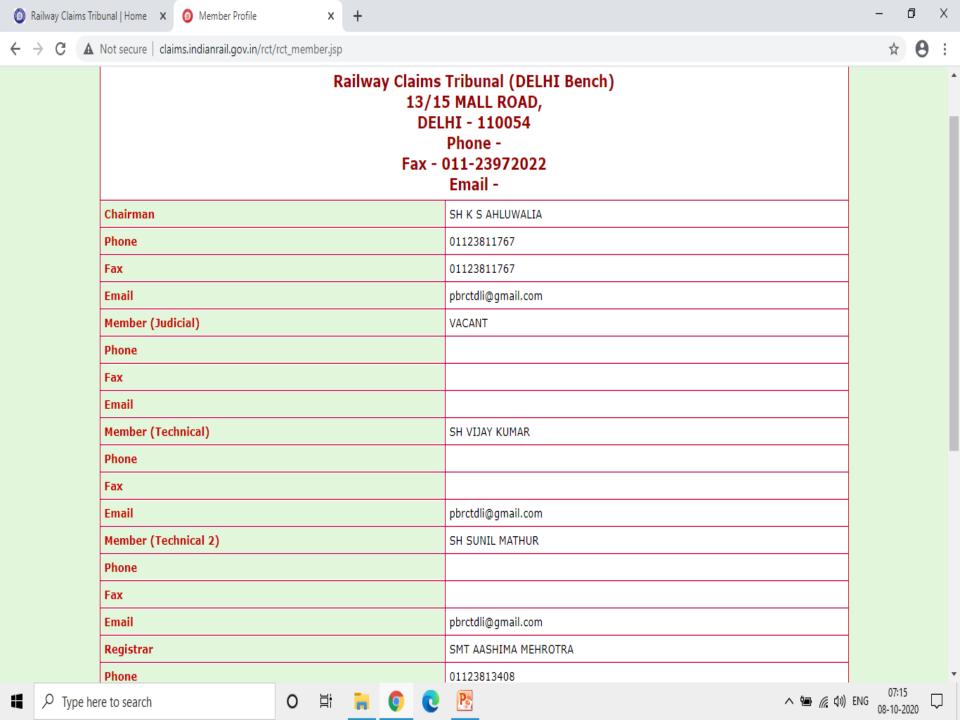
***Why RCT?**

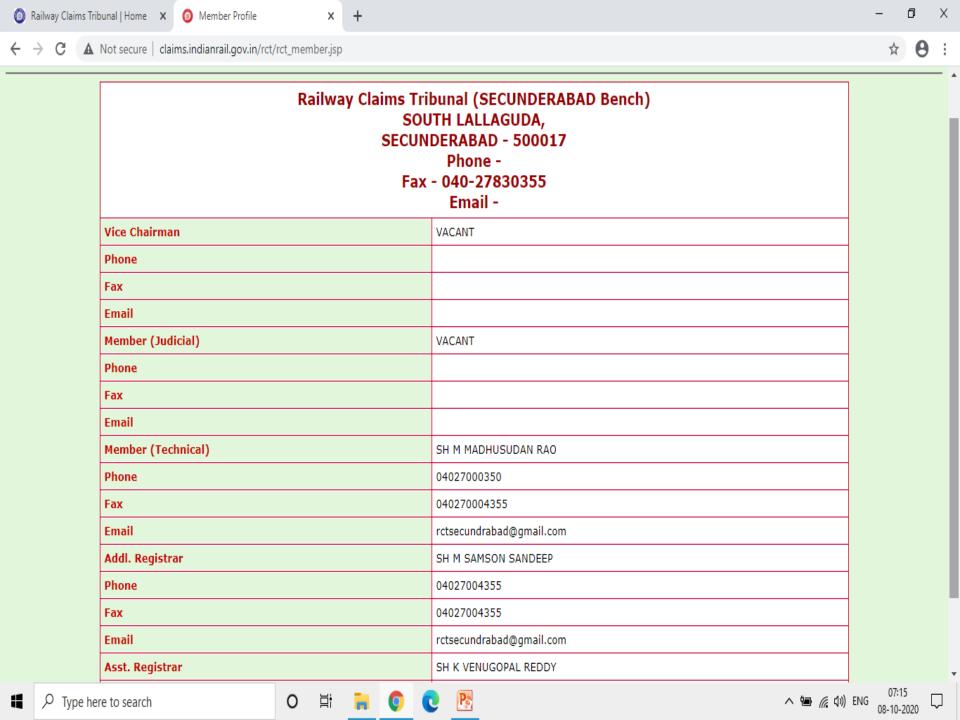
- ✓ Difficult to get fast judgment in normal courts;
- ✓ Since there are a large number of cases of all the areas running in these courts
- ✓ The process to get justice in these courts is a bit complex.
- ✓ So to provide the speedy justice to the rail users and passengers

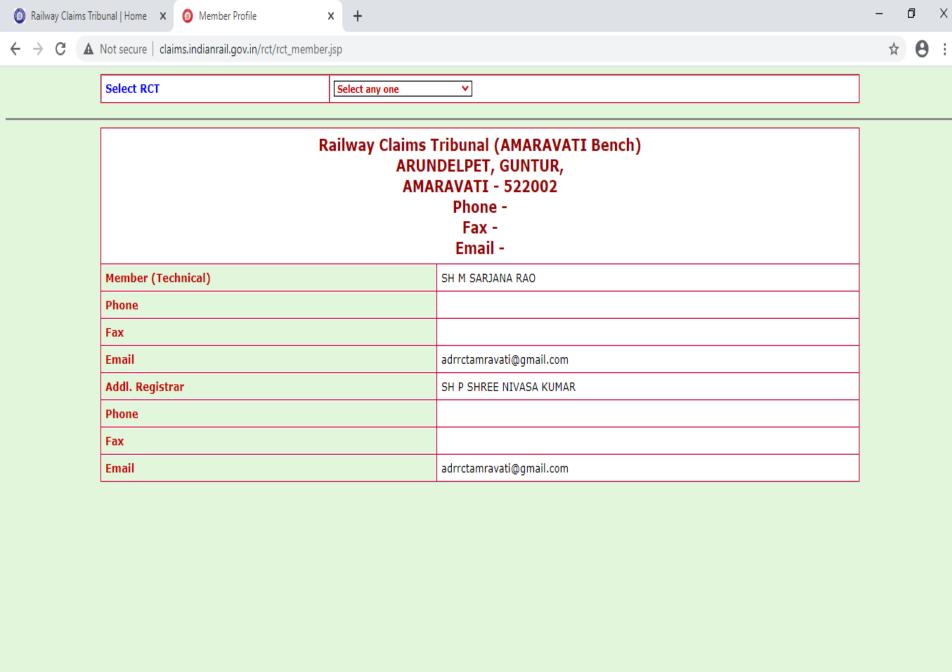
- RCT Principal Bench is at New Delhi and presided by the Hon'ble Chairman.
- RCT Composition: Chairman, 4 Vice Chairmen, Judicial and Technical members.
- Current RCT Chairman: K.S.AHLUWALIA
- Four Benches situated at Kolkata, Lucknow, Mumbai & Secunderabad are headed by Vice Chairmen.
- 23 benches have been established all over Indian Railways.





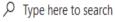
























❖ Chairman:

- ✓A person shall be qualified for appointment as chairman
- A judge of High Court
- —At least 2 years held the office of a vicechairman

Tenure of office:

√ 5 years from the date of appointment or until he attains age of 65 years

❖ Powers of the Chairman:

- Chairman have the powers as of a GM.
- Administrative and Financial Powers over the benches.
- ❖Power to transfer a Vice-Chairman or members from one bench to another bench.
- Power to authorize the Vice-chairman or Judicial or technical member appointed to one bench to discharge the functions of another bench.

- Vice Chairman: A person shall be qualified for appointment as vice chairman
- ✓ A judge of High Court;
- ✓ A Member of the Indian Legal Service in the post of Grade-I for at least 5 years of service;
- ✓ Member holding post of Civil Judge not below the rank Joint Secretary to the Govt. of India;
- ✓ Member of Rly Service at least 5 years of service not less than the rank of JS to the GOI;
- √3 years held office as a judicial or technical member

- ✓ Adequate knowledge of rules, procedures and experience in claims and commercial matters relating to Railways
- Tenure of office: 5 years from the date of appointment or until he attains age of 62 years
- Judicial Member: A person shall be qualified for appointment as Judicial Member
- ✓ A judge of High Court
- ✓ A Member of the Indian Legal Service in the post of Grade-I for at least 3 years of service

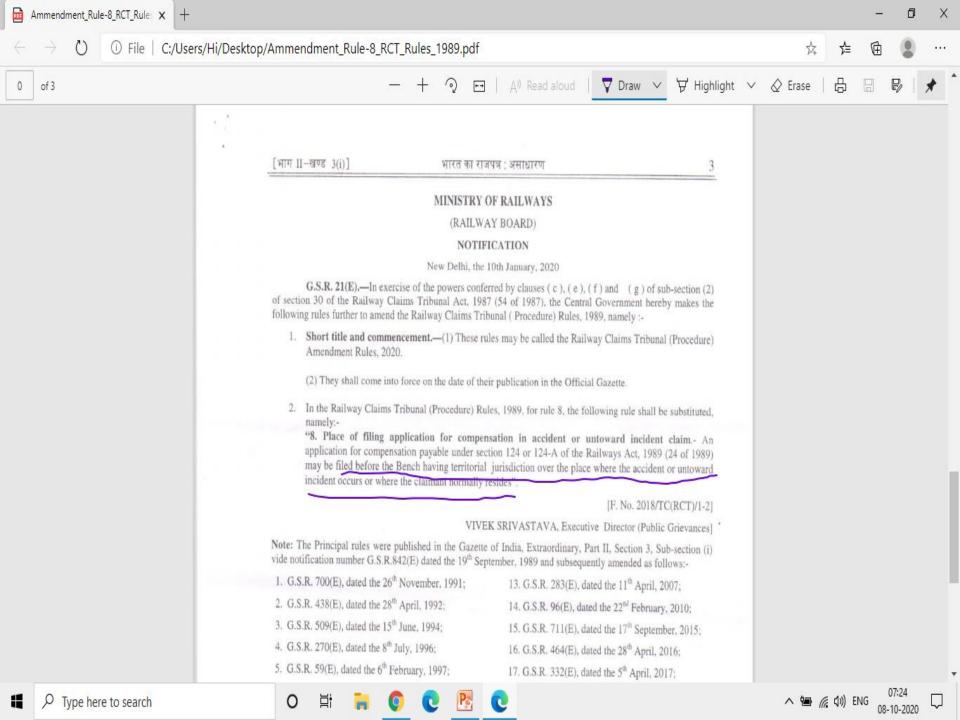
- ✓ A Member holding the post of Civil judicial post not below the rank Joint Secretary to the Govt. of India for a period of 3 years
- Tenure of office: 5 years from the date of appointment or until he attains age of 62 years
- Technical Member: A person shall be qualified for appointment as Technical Member
- √3 years held a post under a railway administration not below the rank of joint secretary Govt. of India.

- ✓ Adequate knowledge of rules, procedures and experience in claims and commercial matters relating to Railways
- Tenure of office: 5 years from the date of appointment or until he attains age of 62 years

❖<u>Appointment:</u>

- ✓ The Chairman, Vice Chairman and other Members shall be appointed by the President.
- ✓ No appointment of a person as a Chairman shall be made except after consultation with Chief Justice of India.

- ✓ The territorial jurisdiction of every bench is specified in the Claims Tribunal Act, 1987.
- ✓ If an application is received by the Bench which does not have territorial jurisdiction to deal with the matter, the registrar of the Bench can return to the application to the applicant.
- ✓ Passenger who met with an accident, under Section 124 & 124-A RA are entitled to compensation for loss of life and injuries.



❖CHAPTER XIII of RA 1989:

Sec. 123-129: Liability of Railways for death and injury to passengers due to

- 1. Accidents;
- 2. Untoward incident;
- 3. Loss of Goods

❖ Section- 123: Definitions

Accident:

- ✓ Collision between trains;
- ✓ one of them being a passenger carrying train;

- ✓ Derailment (or) other accident to a train (or) any part of train carrying passengers "which endangers safety of passengers or their baggage"
- √ "Passenger"- A Railway servant on duty & A person having a valid Ticket/Pass/PF Ticket
- Section: 123(2)(C):Untoward Incident
- √ Terrorist act Violent attack
- ✓ Robbery or Dacoity
- ✓ Rioting, shoot-out or arson

- *EXGRATIA: There's no acceptance of blame and no legal requirement to pay
- *COMPENSATION: Compensation is made because of harm done, but this payment is ordered by a court or a tribunal.
- Section 124: Extant of liability of railways during Accidents
- Section 124A: Extant of liability of railways during untoward incident

	Ex-gratia paid by Railway Administration				
	In case of	Normal rate of ex-gratia		of ex-gratia to be paid by que in case of enhanced ex-gratia	
			By cash	By cheque	
1.	In case of Train Accident (Sec-124 of the Act)				
i)	In case of death	Rs.50,000	Rs.50,000	Announced amount of exgratia minus Rs.50,000	
ii)	In case of grievous injury	Rs.25,000	Rs.25,000	Announced amount of exgratia minus Rs.25,000	

Rs.5000

Rs.15,000

Rs.5,000

Rs 500

In case of Untoward Incident (Sec-124-A of the Act):

Rs.5000

Rs.15,000

Rs.5,000

Rs 500

In case of simple

In case of death

grievous injury

In case of simple

In case of

injury

iii)

i)

ii)

(iii

Announced amount of

Announced amount of

Announced amount of

Announced amount of

exgratia minus Rs.5,000

exgratia minus Rs. 15,000

exgratia minus Rs.5000

(Exgratia during Hospitalization)

Train Accident (Ex-gratia)

Untoward Incident (Ex-gratia)

Up to 30 days of

Up to 30 days of

hospitalization:25,000/-

Thereafter Rs.300

day for every 10 period or discharge, part thereof whichever is earlier

hospitalization: 5,000/per Further 6 months: day Rs.1000/- per week or

Further 5 months:

Rs.500/- per week or part thereof

Maximum period for grievously injured passenger will be 12 months (On certification of Railway Doctor)

- Compensation shall not be paid:
- If Passenger dies or suffers injury due to
 - Suicide or attempted suicide
 - Self inflicted injury
 - His own criminal act
 - Any act committed in a state of intoxication or insanity
 - Any natural cause or disease or medical/ surgical treatment.

- **SECTION 125**: Application for Compensation
- ✓ Injured self
- ✓ By his agent/lawyer
- ✓ If minor, by guardian
- ✓ In case of death, by dependent
- ✓ If dependent is minor, by guardian
- **SECTION 126:** Interim relief by railways
- √ Shall apply to Railways & may pay as per case
- ✓ Not be more than the compensation payable by RCT & Final order of RCT will take into account

- SECTION 127: Determination of compensation in respect of any injury or loss of goods:
- √ Will be determined by RCT
- ✓ Compensation payable in case of death or permanent disability due to train accident or Untoward incident is Rs. 8 lakhs
- **♦ SECTION 128:** Saving as to certain rights.
- (1) The right of any person to claim compensation under section 124 shall not affect the right of any such person to recover compensation payable under the Workmen's Compensation Act, 1923, or any other law for the time being in force;

- But no person shall be entitled to claim compensation more than once in respect of the same accident.
- Nothing shall affect the right of any person to claim compensation payable under any contract or scheme providing for payment of compensation for death or personal injury or for damage to property or any sum payable under any policy of insurance.
- Section129: Power to make rules in respect of matters in this chapter
- The Central Government may, by notification, make rules to carry out the purposes of this Chapter.

- **❖** Procedures and powers of the Tribunal:
- ✓ Summoning and enforcing the attendants of any person and examining him under oath
- ✓ Production of documents
- ✓ Receiving evidence on affidavits
- ✓ Requiring any public record or document or copy of such record from any office.
- ✓ Issuing Commissions for the examination of witnesses or documents

- ✓ Reviewing its decisions
- ✓ Dismissing an application for default or deciding it ex parte
- ✓ Setting aside any order or dismissal or any application for default
- Time Limit: An application for any claim should be filed
- Within 3 years from the date of booking of parcels and goods
- Within one year of occurrence of accident under Sec. 124 and Sec. 124-A

- ❖If the decision given by the Tribunal is against the Railways or the party, they can appeal to the High Court and if necessary to the Supreme Court within 90 days from the date of order.
- **DUTIES OF SS, GUARD, CONDUCTOR &**TTE, If an untoward incident occurs at station.
 - i. Make necessary entries in the Station dairy & make out a report.
 - ii. Arrange Medical aid.
 - iii. Report incident all concerned within 24 hrs.
 - iv. Fill up form-l

❖In case incident at midsection: Any railway servant (including Guard, TTE and LP of the train), on coming to know the occurrence of an untoward incident, shall report the incident immediately to the nearest SS.

❖ Financial Powers:

Bench	Goods Cases	124 & 124 A Cases
-------	-------------	-------------------

Single Rs. 2,00,000/- Rs. 8,00,000/-

Double Unlimited Rs. 8,00,000/-



Filing of OA by Applicant at RCT (Maximum one Year from the date of incident)

Dispatch OA copy to CCO office

Registering the case in CCO's Office (Web)

Forwarding the case by CCO's office to Sr.DSC office concerned (In case statutory reports not received)

J

Receipt of statutory report (DRM Report)

Filling Written statement along with statutory report in original

Examination of applicant evidence

V

Examination of Railway evidence

J

Arguments

Pronouncement of Judgments

Powers delegated to officers for Settlement of loss and damage claims

Unlimited General Manager CCM in HAG or Coordinating Head or CCO Rs.8,00,000 Dy.CCM(Claims) or Dy.CCO Rs.2,00,000 **SCM** Rs.50,000 **ACM** Rs. 25,000

This has been revised vide Railway Board letter No. 2017/TC-III/2/1 dt. 17.3.2017.



THANQ