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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 26th April, 1994/Vaisakha 6, 1916 (Saka)

The following Act of Parliament received the assent of the President on the 26th April, 1994, and is hereby published for general information:—

THE RAILWAYS (AMENDMENT) ACT, 1994

No. 28 OF 1994

[*26th April*, 1994.]

An Act to amend the Railways Act, 1989 and the Railway Claims Tribunal Act, 1987.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Railways (Amendment) Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE RAILWAYS ACT, 1989

Amendment of section 123.

24 of 1989.

2. In section 123 of the Railways Act, 1989 (hereafter in this Chapter referred to as the principal Act), after clause (*b*), the following clause shall be inserted, namely:—

'(c) "untoward incident" means—

(*1*) (*i*) the commission of a terrorist act within the meaning of sub-section (*1*) of section 3 of the Terrorist and Disruptive Activities (Prevention) Act, 1987; or

28 of 1987.

(*ii*) the making of a violent attack or the commission of robbery or dacoity; or

(*iii*) the indulging in rioting, shoot-out or arson,

by any person in or on any train carrying passengers, or in a waiting hall, cloak room or reservation or booking office or on any platform or in any other place within the precincts of a railway station; or

(*2*) the accidental falling of any passenger from a train carrying passengers.'.

Insertion of new section 124A.

3. After section 124 of the principal Act, the following section shall be inserted, namely:—

Compensation on account of untoward incidents.

'124A. 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 dependant 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.'.

Amendment of section 125.

4. In section 125 of the principal Act, in sub-section (*1*),—

(*a*) in the opening portion, after the word and figures "section 124", the words, figures and letter "or section 124A" shall be inserted;

(*b*) in clause (*d*), after the word "accident", the words "or the untoward incident" shall be inserted.

Amendment of section 126.

5. In section 126 of the principal Act, in sub-section (*2*), after the word and figures "section 124", the words, figures and letter "or section 124A" shall be inserted.

Amendment of section 128.

6. In section 128 of the principal Act, in sub-section (*1*), after the word and figures "section 124", the words, figures and letter "or section 124A" shall be inserted.

CHAPTER III

AMENDMENTS TO THE RAILWAY CLAIMS TRIBUNAL ACT, 1987

Amendment of long title.

54 of 1987.

7. In the long title to the Railway Claims Tribunal Act, 1987 (hereafter in this Chapter referred to as the principal Act), after the words "railway accidents", the words "or untoward incidents" shall be inserted.

Amendment of section 2.

8. In section 2 of the principal Act, clause (*n*) shall be re-lettered as clause (*o*), and before clause (*o*) as so re-lettered, the following clause shall be inserted, namely:—

'(*n*) "untoward incident" shall have the meaning assigned to it in clause (*c*) of section 123 of the Railways Act, 1989;'.

24 of 1989.

Amendment of section 15.

9. In section 13 of the principal Act,—

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The Claims Tribunal shall also exercise, on and from the date of commencement of the provisions of section 124A of the Railways Act, 1989, all such jurisdiction, powers and authority as were exercisable immediately before that date by any civil court in respect of claims for compensation now payable by the railway administration under section 124A of the said Act or the rules made thereunder.";

24 of 1989.

(*b*) in sub-section (*2*), for the words "Railways Act", the words and figures "Railways Act, 1989" shall be substituted.

Amendment of section 15

24 of 1989.

10. In section 15 of the principal Act, for the word, brackets and figure "sub-section (*1*)", the words, brackets, figures and letter "sub-sections (*1*) and (*1A*)" shall be substituted.

Amendment of section 16.

11. In section 16 of the principal Act,—

(*a*) in sub-section (*1*), after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or sub-section (*1A*)" shall be inserted;

(*b*) in sub-section (*2*), in the proviso, after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or, as the case may be, sub-section (*1A*)" shall be inserted.

Amendment of section 17.

12. In section 17 of the principal Act, in sub-section (*1*), in clause (*b*), after the word, brackets and figure "sub-section (*1*)", the words, brackets, figure and letter "or, as the case may be, sub-section (*1A*)" shall be inserted.

Amendment of section 24.

13. In section 24 of the principal Act, in sub-section (*1*),—

(*a*) after the words "appointed day", at both the places where they occur, the words brackets, figures and letter "or, as the case may be, the date of commencement of the provisions of sub-section (*1A*) of section 13" shall be inserted;

(*b*) for the words "that day", the words "that day or, as the case may be, date" shall be substituted.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

IndiaCode

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