

CHAPTER VIII
EX GRATIA PAYMENTS

801 Relief to Passengers involved in Train Accidents:

The amount of Ex-gratia relief payable to Bonafide passengers involved in train accidents/untoward incidents should be as under:

- a) (i) Death in case of Accident: ₹50,000/-
(ii) Death in case of untoward incident: ₹15,000/-
- b) The rate and conditions for payment of Ex.Gratia relief in case of grievously injured passengers who are hospitalized in case of train accidents and untoward incidents as defined under section 123, read with section 124/124-A of the Railway Act, 1989 as follows:-

In case of Train Accident	In case of Untoward Incident
Rs. 25,000/- lump sum for hospitalization up to 30 days to take care of initial expenses.	Rs. 5,000/- up to 30 days of hospitalization.
Thereafter Rs.300/- per day be released at the end of every 10 day period or discharge, whichever is earlier	Rs.1,000/- per week or part thereof of the period for indoor treatment up to further six months of hospitalization.
	Rs. 500/- per week or part thereof the period for indoor treatment up to further five months of hospitalization.
The maximum period for which ex-gratia is payable to the grievously injured passenger will be 12 months.	

Note:

- I) This ex-gratia payment will be exclusively for passengers who are grievously injured in train accidents or untoward incidents as defined under Section 123, read with Section 124/124-A, of the Railway Act, 1989.
- II) The period for treatment as indoor patient for more than 30 days would need to be certified by a Railway Doctor for the purpose of further ex-gratia payment up to the period of remaining 11 months. In case where the injured is taking treatment in other than Railway Hospital, the treatment has to be certified by Railway Doctor.
- III) Sr.Divisional Medical Officers shall also keep track of such injured person taking treatment in other than Railway hospitals. Sr.DCM/DCM shall keep co-ordination with Sr.DMO for the purpose and arrange payment of ex-gratia as per prescribed schedule mentioned as above at the doorstep of injured person. Every care shall be taken by Sr.DCM/DCM to avoid any inconvenience to injured person in such cases.
- IV) In case of enhanced ex-gratia announced by the Ministry of Railways as a special case under his/her discretionary powers, the amount equivalent to the normal rate of ex-gratia for death/injury of passengers in train accidents/untoward incidents and to the road users who met with accident due to railway prima-facie liability at manned level crossing gate accident to be paid in cash and the remaining portion of enhanced ex-gratia be paid by account payee cheque. The position is tabulated as under:-

	In case of	Normal rate of ex-gratia (as per extant instructions)	Amount of ex-gratia to be paid by cash/cheque in case of enhanced ex-gratia announced by the Hon'ble Minister of Railways.
1. In case of Train Accident (Sec-124 of the Act)			
i)	In case of death	Rs.50,000/-	50,000/- Announced amount of ex-gratia minus Rs.50,000/-
ii)	In case of grievous injury	Rs.25,000/-	25,000/- Announced amount of ex-gratia minus Rs.25,000/-
iii)	In case of simple injury	Rs.5,000/-	5,000/- Announced amount of ex-gratia minus Rs.5,000/-
2. In case of Untoward Incident (Sec-124A of the Act)			
i)	In case of death	Rs.15,000/-	15,000/- Announced amount of ex-gratia minus Rs.15,000/-
ii)	In case of grievous injury	Rs.5,000/-	5,000/- Announced amount of ex-gratia minus Rs.5,000/-
iii)	In case of simple injury	Rs.500/-	500/- Announced amount of ex-gratia minus Rs.500/-

3. In case of Accident at Manned Level Crossing (due to Railway's prima facie liability)				
i)	In case of death	Rs.50,000/-	50,000/-	Announced amount of ex-gratia minus Rs.50,000/-
ii)	In case of grievous injury	Rs.25,000/-	25,000/-	Announced amount of ex-gratia minus Rs.25,000/-
iii)	In case of simple injury	Rs.5,000/-	5,000/-	Announced amount of ex-gratia minus Rs.5,000/-

- c) (i) Simple injuries in case of train accident: ₹5000/-
(ii) Simple injuries in case of untoward incident: ₹500/-
- d) No ex-gratia payment is admissible to trespassers, persons falling from train, persons electrocuted by OHE and Road users at UMLC.
- e) The amount of ex-gratia relief admissible to road users who met with an accident due to railways prima facie liability at manned Level Crossing Gate accident shall be as under:
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| In case of Death | : | ₹50,000/- |
| In case of grievous injuries | : | ₹25,000/- |
| In case of simple injuries | : | ₹ 5,000/- |
- f) In case of road users who are injured at manned level crossings, such payments will be counted towards the amount of compensation payable, if action is tenable against the Railways under the law of Torts and award is actually granted by a Court of Law.
- g) Ex-gratia payments should also be made to railway servant killed or injured while on duty by a moving train. For example, Gangmen working on track, run over accidentally by a moving train.
- h) Payments should be sanctioned / arranged preferably on the spot by a Senior scale or higher scale Officer nominated by 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 the injured person.
- i) These ex-gratia payments, except in the case of road users at manned level crossings, are not to be taken into account at the time of disposal of the formal claims for compensation.
- j) In the case of the relatives of the deceased, the Railway Administration may at junction stations, allow the use of waiting rooms and / or retiring rooms, if considered necessary without detriment to the convenience of other passengers, free of charge.
- k) Withdrawal of money from station earnings for making ex-gratia payments is permissible.
- i. Allocation of ex-gratia payments is G-1502—other Compensation, (Demand No.9)
 - ii. The amount required for making ex-gratia payments should be drawn on the authority of Station Pay Orders form No. Com. 480/B/A/Rev.55
- l) The following officers will have powers to grant ex-gratia monetary relief.

Designation	Area
DRM and Sr.DCM.	So far as their Divisions are concerned.

Provided that in an emergency the DRM may nominate a Senior Scale officer, who is on the spot on any occasion to make ex-gratia payment in any particular accident.

- m) Immediately after payments are made, the DRMs concerned will submit a full report of the payments made to the Divisional Accounts Officer concerned to whom each payee's acquaintance in original should be sent, sending copies to FA & CAO (Headquarters Expenditure Section) Secunderabad and Chief Commercial Manager (Claims Branch) Secunderabad giving full particulars of the accident, the names and addresses of the persons who were injured or killed, the amounts of ex-gratia payments made and the names and addresses of the payee's and their relationship to the deceased etc., and also certify that the payments have been made in deserving cases after satisfying himself that the person concerned was of limited means quoting the name and designation of the officer who made the ex-gratia payments.