

Section 120: **Inquiry into Accident not covered by Section 113** – Where any accident of the nature not specified in section 113 occurs in the course of working a railway, the railway administration within whose jurisdiction the accident occurs, may cause such inquiry to be made into the causes of the accident, as may be prescribed.

Section 121: **Returns** – Every railway administration shall send to the Central Government, a return of accidents occurring on its railway, whether attended with injury to any person or not, in such form and manner and at such intervals as may be prescribed.

Section 122: **Power to make rules in respect of matters in this chapter** –

- (1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
 - (a) the injury to property which shall be considered serious under clause (a) of sub-section (1) of section 113;
 - (b) the forms of notice of accidents to be given under Section 113 and the particulars of the accident such notices shall contain;
 - (c) the manner of sending the notices of accidents, including the class of accidents to be sent immediately after the accident;
 - (d) the duties of the Commissioner, railway administration, railway servants, police officers and Magistrates on the occurrence of an accident;
 - (e) the persons to whom notices in respect of any inquiry under this Chapter are to sent, be the procedure to be followed in such inquiry and the manner in which a report of such inquiry shall be prepared;
 - (f) the nature of inquiry to be made by a Railway Administration into the causes of an accident under Section 120;
 - (g) the form and manner sending a return of accidents by a Railway Administration under Section 121.

5 Sections relating to Liability of Railway administration for Death and Injury to passengers due to Accidents:

Section 123: **Definitions** –In this Chapter, unless the context otherwise requires –

- a) “accident” means an accident of the nature described in Section 124;
- b) “Dependant”, means any of the following relatives of a deceased passenger, namely:
 - i. the wife, husband, son and daughter, and in case the deceased passenger is unmarried or is a minor, his parent;
 - ii. the parent, minor brother or unmarried sister, widowed sister, widowed daughter-in-law and a minor child of a predeceased son, if dependant wholly or partly on the deceased passenger;
 - iii. a minor child of a pre-deceased daughter, if wholly dependent on the deceased passenger
 - iv. the paternal grandparent wholly dependent on the deceased passenger.

Section 124: **Extent of liability** – When in the course of working a railway, an accident occurs, being either a collision between trains of which one is a train carrying passengers or the derailment of or other accident to a train or any part of a train carrying passengers, 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 has suffered a loss 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 a passenger dying as a result of such accident, and for personal injury and loss, destruction, damage or deterioration of goods owned by the passenger and

accompanying him in his compartment or on the train, sustained as a result of such accident.

Explanation – For the purpose of this section ‘passenger’ includes a railway servant on duty.

Section 125: Application for Compensation:

- (1) An application for compensation under section 124
(or section 124-A) may be made to the Claims Tribunal—
 - (a) by the person who has sustained the injury or suffered any loss, or
 - (b) by any agent duly authorized by such person in this behalf, or
 - (c) where such person is a minor, by his guardian, or
 - (d) where death has resulted from the accident, (or the Untoward incident) by any dependant of the deceased or where such a dependant is a minor, by his guardian.
- (2) Every application by a dependant for compensation under this section shall be for the benefit of every other dependant.

Section 126: Interim relief by Railway Administration –

- (1) Where a person who has made an application for compensation under section 125 desires to be paid interim relief, he may apply to the railway administration for payment of interim relief along with a copy of the application made under that section.
- (2) Where, on the receipt of an application made under sub-section (1) and after making such inquiry as it may deem fit, the railway administration is satisfied that circumstances exist which require relief to be afforded to the applicant immediately, it may, pending determination by the Claims Tribunal of the actual amount of compensation payable under section 124 pay to any person who has sustained the injury or suffered any loss or where death has resulted from the accident, to any dependant of the deceased, such sum as it considers reasonable for affording such relief, so however, that the sum paid shall not exceed the amount of compensation payable at such rates as may be prescribed.
- (3) The railway administration shall, as soon as may be, after making an order regarding payment of interim relief under sub-section (2) send a copy thereof to the Claims Tribunal.
- (4) Any sum paid by the railway administration under sub-section (2) shall be taken into account by the Claims Tribunal while determining the amount of compensation payable.

Section 127: Determination of compensation in respect of any Injury or Loss of Goods –

- (1) Subject to such rules as may be made, the rates of compensation payable in respect of any injury shall be determined by the Claims Tribunal.
- (2) The compensation payable in respect of any loss of goods shall be such as the Claims Tribunal may, having regard to the circumstances of the case, determine to be reasonable.

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 (8 of 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.
- (2) Nothing in sub-section (1) 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.

Section 129: Power to make rules in respect of matters in this chapter –

- (1) The Central Government may, by notification, make rules to carry out the purposes of this Chapter
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely –
 - (a) the compensation payable for death;
 - (b) the nature of the injuries for which compensation shall be paid and the amount of such compensation.

6 Sections relating to Penalties and Offences:

Section 145: Drunkenness or Nuisance. If any person in any railway carriage or upon any part of a railway.

- a) is in a state of intoxication; or
- b) Commits any nuisance or act of indecency or uses abusive or obscene language; or
- c) willfully or without excuse interfered with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger, he may be removed from the railway by any railway servant and shall, in addition to the forfeiture of his pass or ticket, be punishable with imprisonment which may extend to six months and with fine which may extend to five hundred rupees:
Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such punishment shall not be less than –
 - i) a fine of one hundred rupees in the case of conviction for the first offence; and
 - ii) imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.

Section 146: Obstructing Railway servant in his Duties – If any person willfully obstructs or prevents any railway servant in the discharge of his duties, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 150: Maliciously wrecking or attempting to wreck a train

- (1) Subject to the provisions of sub-section (2), if any person unlawfully –
 - (a) puts or throws upon or across any railway, any wood, stone or other matter or thing; or
 - (b) take up, removes, loosens or displaces any rail, sleeper or other matter or things belonging to any railway; or
 - (c) turns, moves, unlocks or diverts any points or other machinery belonging to any railway; or
 - (d) makes or shows, or hides or removes, any signal or light upon or near to any railway; or
 - (e) does or causes to be done or attempts to do any other act or thing in relation to any railway, with intent or with knowledge that he is likely to endanger the safety of any person traveling on or being upon the railway, he shall be punishable with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years:
Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, where a person is punishable with rigorous imprisonment, such imprisonment shall not be less than –
 - (i) three years in the case of a conviction for the first Offence ; and
 - (ii) seven years, in the case of conviction for the second or subsequent offence.
- (2) If any person unlawfully does any act or thing referred to in any of the clauses of sub-section (1)-