

2026 LiveLaw (SC) 689

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SANJAY KAROL; J., NONGMEIKAPAM KOTISWAR SINGH; J.
Special Leave Petition (Civil) No.30726 of 2025; July 17, 2026
LATA versus UNION OF INDIA & ANR.

Railways Act, 1989 – Sections 123(c)(2) and 124A – Claims for Compensation – Untoward Incident – Bona Fide Passenger – Absence of Journey Ticket – The Supreme Court set aside the concurrent findings of the Railway Claims Tribunal and the High Court which had rejected a compensation claim on the grounds that the deceased's ticket was not recovered and his *bona fides* as a passenger were not established – Held, Section 124A provides for "no-fault liability" and carries a beneficial statutory intent - It must receive a purposive and liberal interpretation rather than a restrictive, literal approach - The standard of proof governing such claims is the preponderance of probabilities, not proof beyond reasonable doubt - Technical approaches or procedural lapses should not defeat the humanitarian and welfare objective of the statute.

Status of Passenger when Ticket is Missing – Quantum of Compensation - Reaffirming established precedent, the Supreme Court held that the mere absence of a ticket on the person or body of an injured or deceased passenger is not conclusive proof to negative a claim or classify them as a ticketless traveller - The initial burden on the claimant can be effectively discharged by filing an affidavit of relevant facts, after which the burden shifts to the Railways to disprove the claim based on the attending circumstances - In the present case, since the claimant filed an undisputed affidavit detailing that the deceased purchased a ticket which was subsequently misplaced along with his untraceable luggage during the accident, the initial burden stood discharged - In terms of Schedule I to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 (as amended), the compensation for death was awarded at ₹8,00,000/- with a direction to pay within four weeks, failing which it shall carry an interest rate of 8% per annum from the date of filing the claim petition. [Relied on *Union of India v. Rina Devi*, (2019) 3 SCC 572; Paras 9-21]

For Petitioner(s): Ms. Shweta Priyadarshini, AOR

For Respondent(s): Mr. Brijender Chahar, A.S.G. Ms. Seema Bengani, Adv. Mr. Prashant Singh-ii, Adv. Ms. Sweksha, Adv. Ms. Radhika Mishra, Adv. Mr. Amrish Kumar, AOR

J U D G M E N T

SANJAY KAROL J.

1. Leave Granted.

2. This appeal challenges the concurrent dismissal of a claim for compensation filed by the appellant as the wife of the deceased namely Chandrakant Thakkar, by the Railway Claims Tribunal, Bhopal Bench¹ (RCT) and the High Court of Madhya Pradesh (Principal seat at Jabalpur)². The deceased was enroute from Raipur to Ahmedabad in Train No.12834 Ahmedabad-Howrah Mail on 28th November 2015 when he fell from a running train somewhere in the Khandbada-Khatgaon section and died instantaneously due to the

¹ Claim Application Number-OA-IIu/BPL/163/2016

² Misc. Appeal 5861 of 2019

injuries. A claim petition was filed under the provisions of the Railway Claims Tribunal Act, 1987 seeking Rs.4,00,000 with 18% interest from the date of filing of the application, i.e., 18.03.2016. It was averred that the luggage of the deceased, which was misplaced and untraceable, contained the ticket for the journey. The appellant in her affidavit had made similar statements alleging that the deceased was a *bona fide* passenger and was travelling to Ahmedabad, for business purposes. The wallet of the deceased, recovered by the police contained information of his son Brijesh, who was informed about the incident, but the ticket was not there in the purse.

3. The RCT denied the claim since it was not established that the deceased was a *bona fide* passenger. As per the Tribunal, though the accident qualified as an “*untoward incident*” within the meaning of Section 123(c)(2) of the Railway Act 1989³ but since the *bona fides* could not be established, compensation was denied. The High Court in terms of judgment dated 3rd January 2024 agreed with the findings of the Tribunal, observing that in the absence of any recovery of the belongings of the deceased, the claim had to be rejected. There was an inconsistency between her statement and the facts pleaded in the claim petition about the date of travel of the deceased. She, in her cross examination said that the deceased had boarded the train on 26th November, and information of his death was received on 27th November, however, in the claim petition, the date of journey mentioned is 28th November.

Hence, the present appeal. Heard.

4. The 1989 Act contains 16 Chapters each dealing with a specific aspect. For instance, Chapter II deals with Railway Administrations, IIA deals with Rail Land Development Authority, Chapter IV deals with construction and Maintenance of Works, Chapter VII deals with the Tribunal and Chapter VIII concerns the Carriage of Passengers. Chapter XII and XIII titled as “*Accidents*” and “*Liability of Railway Administration for Death and Injury to Passengers due to accidents*” respectively, are important for us in the present case.

5. For us in the present case, examination of Section 123, 124A, *inter alia*, is relevant, as such we extract the same:-

“2. Definitions.—In this Act, unless the context otherwise requires,—... (29) “passenger” means a person travelling with a valid pass or ticket;

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;

... ..

- (2) the accidental falling of any passenger from a train carrying passengers.]

...

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

³ 1989 Act

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 purposes of this section “passenger” includes a railway servant on duty.

124A. Compensation on account of untoward incidents.—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 purpose 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.

...

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.” (emphasis supplied)

6. Section 123(a) defines “*accident*” with reference to Section 124 which deals particularly with collision of trains or derailment. Section 123(c) defines “*untoward incident*”, which includes the accidental falling of any passenger from a train carrying passengers. In 1994 however, the Legislature felt apparently that the provision as it stood was insufficient and so, by inserting Section 124A the scope of protection under this Section of the 1989 Act was widened. Under this Section, liability arises irrespective of a wrongful act, neglect or default on part of the railway administration in other words it is “*no-fault*” liability. [See: ***Union of India v. Prabhakaran Vijaya Kumar***⁴. Although the scope of this Section covers both death and injury some exceptions have been listed out in the *proviso* such as “*suicide*” and “*attempted suicide*”, the injured/deceased’s own criminal act or a particular act done under intoxication or insanity. By way of the explanation, it has been clarified that a “*passenger*” which has been otherwise defined in Section 2(29) for the purposes of this Section, includes a Railway servant on duty or a

⁴ (2008) 9 SCC 527

person who has purchased a valid ticket or a valid platform ticket and becomes a victim of an “*untoward incident*”. The intent of these two Sections is clear; they are meant to provide compensation expeditiously to the victims of unfortunate untoward incidents without imposing the burden of requiring to prove negligence.

7. Given that Section 124A of 1989 Act provides for “*no-fault liability*”, it is clear that the said provision has a beneficial intent. The Railways although a facet of colonial inheritance, today have been expanded, developed and modernised, serving as the backbone of the nation in terms of movement of material, passengers and also essential goods. Being an arm of the Government of India, one of the overarching principles which govern its actions is that of the welfare State provided for in Article 38 of the Constitution of India. To properly examine whether the present case falls within the scope of the beneficial provision, attention first must be paid to how such a provision is interpreted:

7.1 In a case arising out of the Electricity Act 2003 being ***Southern Electricity Supply Co. of Orissa Ltd. v. Sri Seetaram Rice Mill***⁵, a Bench of three judges discussed purposive construction and construction of beneficial statutes in a following manner:

46. “Purposive construction” is certainly a cardinal principle of interpretation. Equally true is that no rule of interpretation should either be overstated or overextended. Without being overextended or overstated, this rule of interpretation can be applied to the present case. It points to the conclusion that an interpretation which would attain the object and purpose of the Act has to be given precedence over any other interpretation which may not further the cause of the statute. The development of law is particularly liberated both from literal and blinkered interpretation, though to a limited extent.

...

57. Treating the statute to be a beneficial piece of legislation, this Court applied purposive interpretation, while observing as under: (*Prabhakaran case* [(2008) 9 SCC 527 : (2008) 3 SCC (Cri) 813] , SCC p. 533, para 11)

“11. No doubt, it is possible that two interpretations can be given to the expression ‘accidental falling of a passenger from a train carrying passengers’, the first being that it only applies when a person has actually got inside the train and thereafter falls down from the train, while the second being that it includes a situation where a person is trying to board the train and falls down while trying to do so. Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion the latter of the abovementioned two interpretations i.e. the one which advances the object of the statute and serves its purpose should be preferred vide *Kunal Singh v. Union of India* [(2003) 4 SCC 524 : 2003 SCC (L&S) 482] (SCC para 9), *B.D. Shetty v. Ceat Ltd.* [(2002) 1 SCC 193 : 2002 SCC (L&S) 131] (SCC para 12) and *Transport Corpn. of India v. ESI Corpn.* [(2000) 1 SCC 332 : 2000 SCC (L&S) 121] ”

7.2 In ***X2 v. State (NCT of Delhi)***⁶, in the context of the permissibility of termination of pregnancy beyond the statutorily provided time period, three judges of this Court observed as follows about the interpretative exercise favouring beneficiaries:

“37. A catena of decisions emanating from this Court, including *Kerala Fishermen's Welfare Fund Board v. Fancy Food* [*Kerala Fishermen's Welfare Fund Board v. Fancy Food*, (1995) 4 SCC 341] , *Bharat Singh v. New Delhi Tuberculosis Centre* [*Bharat Singh v. New Delhi Tuberculosis Centre*, (1986) 2 SCC 614 : 1986 SCC (L&S) 335] , *Bombay Anand Bhavan Restaurant v. ESI Corpn.* [*Bombay Anand Bhavan Restaurant v. ESI Corpn.*, (2009) 9 SCC 61 : (2009) 2 SCC (L&S) 573], *Union of India v. Prabhakaran Vijaya Kumar* [*Union of India v. Prabhakaran Vijaya Kumar*, (2008)

⁵ (2012) 2 SCC 108

⁶ (2023) 9 SCC 433 ⁷ (1985) 4 SCC 71

9 SCC 527 : (2008) 3 SCC (Cri) 813] , settle the proposition that progressive and beneficial legislation must be interpreted in favour of the beneficiaries when it is possible to take two views of a legal provision.”

7.3 O. Chinnappa Reddy J. in **Workmen v. American Express International Banking Corpn**⁷., observed:

“4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights’ legislation are not to be put in Procrustean beds or shrunk to Liliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. Judges ought to be more concerned with the “colour”, the “content” and the “context” of such statutes (we have borrowed the words from Lord Wilberforce’s opinion in *Prenn v. Simmonds* [(1971) 3 All ER 237]). In the same opinion Lord Wilberforce pointed out that law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, unisolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations. In one of the cases cited before us, that is, *Surendra Kumar Verma v. Central Government Industrial Tribunal-cum-Labour Court* [(1980) 4 SCC 443 : 1981 SCC (L&S) 16 : (1981) 1 SCR 789] , we had occasion to say, “Semantic luxuries are misplaced in the interpretation of ‘bread and butter’ statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the Court is not to make inroads by making etymological excursions.”

Also see, **K.H. Nazar v. Mathew K. Jacob**⁷.

8. What can be understood from the above judgments is that the beneficial legislations are to receive purposive and liberal construction in furtherance of the intentions of the Legislature, as can be discerned, instead of a literal or restrictive approach being adopted. The overall idea is to make the intention so understood, functional.

9. On the aspect of burden of proof, it has been held that the presence of a valid ticket is quite not possibly the only way the *bona fide* nature of the passenger can be established. In **Kamukayi v. Union of India**⁸ the conclusion in **Union of India v. Rina Devi**⁹ was referred to in following terms:

“10. This Court in *Rina Devi* [*Union of India v. Rina Devi*, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198] has explained the burden of proof when body of a passenger is found on railway premises. While analysing the said issue, this Court has considered the judgment of the Madhya Pradesh High Court in *Raj Kumari v. Union of India* [*Raj Kumari v. Union of India*, 1992 SCC OnLine MP 96] and the judgments of the Delhi High Court in *Gurcharan Singh v. Union of India* [*Gurcharan Singh v. Union of India*, 2014 SCC OnLine Del 101] , the Andhra Pradesh High Court in *Jetty Naga Lakshmi Parvathi v. Union of India* [*Jetty Naga Lakshmi Parvathi v. Union of India*, 2011 SCC OnLine AP 828] and also considered the judgment of this Court in *Kamrunnissa v. Union of India* [*Kamrunnissa v. Union of India*, (2019) 12 SCC 391 : (2018) 5 SCC (Civ) 613] and in para 29 concluded as thus : (*Rina Devi* case [*Union of India v. Rina Devi*, (2019) 3 SCC 572 : (2019) 2 SCC (Civ) 198] , SCC p. 588)

“29. We thus hold that mere presence of a body on the railway premises will not be conclusive to hold that injured or deceased was a bona fide passenger for which claim for compensation could be maintained. *However, mere absence of ticket with such injured or deceased will not negative the claim that he was a bona fide passenger. Initial burden will be on the claimant which can be discharged by filing an affidavit of the relevant facts and burden will then shift on the Railways and the issue can be decided on the facts shown or the attending circumstances.* This will have

⁷ (2020) 14 SCC 126.

⁸ (2023) 19 SCC 116

⁹ (2019) 3 SCC 572

to be dealt with from case to case on the basis of facts found. The legal position in this regard will stand explained accordingly.””

(emphasis supplied)

The conclusion of the above discussion is that technical approaches and lapses in procedure should not defeat the welfare aim of the statute as it does not befit the Railways, as an instrumentality of the State, to take such restrictive, pigeonhole view. The governing standard is the preponderance of probabilities and not beyond reasonable doubt, as in criminal trials. The foundational facts that need to be established are – **(i)** travelling on the basis of a valid ticket; and **(ii)** an accident leading to death. Courts and Tribunals should always take a view that retains the objective of the Section as being accessible compensation with an underlying humanitarian perspective. [See: **Rajni v. Union of India**¹⁰]

10. Well, the above is about what a passenger or his family members must show to get compensation from the Railways. But what is duty of the Railways towards the customer/traveller? To put things in perspective, it must be said that what happened in this case, that a traveller in a train, for whatever reason, fell off the train and injured himself or died, is not a rare occurrence.

11. When the first stretch of Indian Railways was inaugurated by Lord Dalhousie, the then Governor General, in 1853 it would not have been within the scope of the remotest of imagination that a few short years later, it would play a crucial role in uniting India, when Gandhiji, the Father of the Nation travelled the length and breadth of the country eventually leading to independence. Nor could it have been within contemplation that one day it would grow to be the largest civil employer in the country¹¹ and the ninth largest in the world; the largest network in Asia and the fourth largest in the world.

12. Given the sheer size of the operations that have expanded (*data as is reflective from the official website of the Indian Railways*) from the seating capacity (passenger coaches) of 8,54,678 in 1950-51 to 51,50,995 in 2024-25, the network is now spread across 13940 passenger trains running on 69439 kms of train tracks; carrying 7293 million passengers in 2024-25 using 27000 air-conditioned and 62000 non-air-conditioned coaches; and employing approximately 12,30,000¹² people to run this organization. The instances where such incidents occur may be statistically insignificant or few and far between, but for each individual family that suffers this unspeakable tragedy, the loss and suffering is life-altering and in some cases even unsurmountable. The Court must treat it as such.

13. To account for the varied nature of operations and the complexity of having many “*moving parts*”, both literally and figuratively, the Railway Administration, has issued many manuals dealing with specific areas of work. Paying some attention to them would be warranted, not only in cases of death of a passenger, but generally too. Volume I of the Indian Railway Commercial Manual, provides as under in the following manner:

105. Conduct of commercial staff- All commercial staff must-

...

¹⁰ 2025 SCC OnLine SC 2182

¹¹ Indian Railways Year Book 2023-24; recently acknowledged in *Para 21 of Bency John v. Kerala SEB Ltd.*, 2026 SCC OnLine SC 936

¹² https://indianrailways.gov.in/railwayboard/uploads/directorate/stat_econ/2026/INDIAN%20RAILWAYS%20YEAR%20BOOK%2C%202024-25%20ENGLISH.pdf

(iii) attend to the comfort of all passengers, specially women and children unaccompanied by male members;

...

305. Accommodation of passengers.-Guards, Conductors, Station Masters and Reservation Clerks in the case of large station, are responsible for seeing that upper and lower class passengers who have reserved their berths/seats in advance in compartments/carriages are properly accommodated. In the case of compartments/carriages which are not reserved, Guards, Conductors, Ticket Collectors and Station Masters should see that passengers are not inconvenienced in finding accommodation in them.

312. Travelling on footboards and on the roofs of the train or engine of trains. Passengers must not be allowed to travel on footboards or on the roofs of carriages or engine of a train. If a passenger, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of the train not intended for the use of passengers, the assistance of the police should be requisitioned for taking action against him under section 156 of the Railways Act which reads as under

"Section 156.If any passenger, or any other person, after being warned by a railway servant to desist, persists in travelling on the roof, steps or footboard of any carriage or on an engine, or in any other part of a train not intended for the use of passengers, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both and may be removed from the railway by any railway servant."

313. Precautions before starting a train carrying passengers. (a) It is the duty of the Guard/Conductor and the Station Master on duty to see that doors of carriages are closed and outside catches, where provided, fastened before a train starts. The Guard in charge of the train, before giving the starting signal, will personally satisfy himself that no passenger is entraining or detraining. (b) The train staff at the starting stations should see that the inside catches of doors and windows, specially of the ladies compartments or carriages are in working order before the train starts.

315. Overcrowding. Station Masters, Guards/Conductors and ticket checking staff should, when necessary, endeavour to distribute second class passengers evenly so as not to cause overcrowding in any particular carriage or compartment. It should also be seen that the passengers do not obstruct entrance passage by placing their luggage.

316. No room in train. When there is overcrowding in any particular class of accommodation on a train, the Guard must convey the fact to the nearest Station Master who shall inform the Section Controller and stations ahead. The Section Controller should refer the matter to the Divisional Operating Superintendent and the Divisional Commercial Superintendent for necessary instructions, and also inform the large stations and junctions ahead, where heavy booking of passengers generally takes place. The Station Master receiving such information should warn the passengers at their stations. For clearing excess passengers, such standing instructions as issued from time to time, in regard to attaching of extra carriages to the same train or to another train etc., may be observed. On non-controlled sections, the orders of the Divisional Operating/Commercial Superintendent should be obtained through telegraph and the junctions and important stations en route should also be suitably advised.

349. Maximum number of passengers for each compartment.

"Section 57. Subject to the approval of the Central Government, every railway administration shall fix the maximum number of passengers which maybe carried in each compartment of every description of carriage, and shall exhibit the number so fixed in a conspicuous manner inside or outside each compartment in Hindi, English and also in one or more of the regional languages commonly in use in the areas served by the railway."

13.1 All of the above guidelines point to one aspect. The Railways has, for its part, laid down guidelines to check the possibilities of passengers travelling without authorisation, and also

travelling beyond the permitted limits. That may be so, but it is equally true that despite all this, overcrowding is a regular occurrence and that is more often than not the reason for such unfortunate incidents. Following is a table of recent incidents of overcrowding and the mishaps that this leads to:

DATE	CITY AND STATE	PUBLISHER	SYNOPSIS
June 9, 2025	Mumbai, Maharashtra	India Today	Four dead after falling off overcrowded local train in Mumbai, several injured. ¹³
June 10, 2025	Mumbai, Maharashtra	The Times of India	Four commuters were killed and nine injured after falling from two overcrowded Mumbai local trains near Mumbra station, with officials investigating the exact cause of the tragedy. ¹⁴
September 13, 2015	Mumbai, Maharashtra	NDTV	An RTI query revealed that 6,989 passengers died after falling from Mumbai's overcrowded suburban trains over a decade, highlighting the growing safety risks of chronic overcrowding. ¹⁵
February 15, 2025	New Delhi	The News Minute	A stampede caused by overcrowding and train delays at New Delhi Railway Station during the Maha Kumbh rush killed 18 people and injured several others ¹⁶ .
October 27, 2024	Mumbai, Maharashtra	Times Of India	Nine passengers were injured in a stampede at Mumbai's Bandra Terminus after overcrowding during the festive rush led to a chaotic scramble to board the Bandra– Gorakhpur Express. ¹⁷
November 11, 2023	Surat, Gujarat	Hindustan Times	A 40-year-old man died and two others were hospitalised after a massive crowd rushed to board a Bihar-bound train at Surat railway station during the Chhath festival travel rush. ¹⁸
April 30, 2024	Mumbai, Maharashtra	India Today	A 26-year-old woman died after falling from an overcrowded Mumbai local train on Dombivli when she lost her grip on the grab handle during the morning rush. ¹⁹
December 15, 2018	Mumbai, Maharashtra	Times Of India	A 17-year-old nursing student died after falling from an overcrowded Mumbai local train near Ulhasnagar during her morning commute to college. ²⁰
July 25, 2018	Chennai, Tamil Nadu	The Hindu	Four passengers travelling on the footboard of an overcrowded Chennai suburban train were killed after striking a concrete fence near St. Thomas Mount station and falling from the moving train. ²²

¹³ <https://www.indiatoday.in/cities/mumbai/story/mumbai-train-accident-people-died-after-falling-off-overcrowded-local-train2737806-2025-06-09>

¹⁴ <https://timesofindia.indiatimes.com/city/mumbai/we-saw-them-between-two-tracks-4-dead-in-thane-mishap-not-sure-how-many-fell-from-two-trains-say-railway-officials/articleshow/121749988.cms>

¹⁵ <https://www.ndtv.com/india-news/rti-reveals-increase-in-deaths-due-to-fall-from-overcrowded-local-trains-1217083>

¹⁶ <https://www.thenewsminute.com/news/stampede-at-new-delhi-railway-station-amid-maha-kumbh-rush-leaves-18-dead>

¹⁷ <https://timesofindia.indiatimes.com/city/mumbai/9-injured-in-stampede-at-bandra-railway-station/articleshow/114645465.cms>

¹⁸ <https://www.hindustantimes.com/india-news/man-dies-chaos-crowds-swell-surat-station-bihar-train-chhath-puja-101699695507603.html>

¹⁹ <https://www.indiatoday.in/cities/mumbai/story/mumbai-woman-falls-off-overcrowded-local-train-dies-on-spot-in-dombivli2533465-2024-04-30>

²⁰ <https://timesofindia.indiatimes.com/city/mumbai/mumbai-nursing-student-falls-from-train-dies/articleshow/67100680.cms>
²² <https://www.thehindu.com/news/cities/chennai/four-travelling-on-footboard-in-chennai-local-train-dead-after-hitting-concrete-fence/article24501260.ece>

May 26, 2018	Allahabad, Uttar Pradesh	Times Of India	A five-month-old infant died of suffocation after enduring hours in an overcrowded, sweltering train coach during a delayed journey to Delhi. ²¹
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At this stage, it would be appropriate to refer to certain provisions of the Manuals regarding tickets which was one of the main points of contention in this case.

501. Object of check and collection of tickets. Passengers' tickets are checked and collected with the object of:

- (i) ensuring that every passenger is in possession of a proper ticket (or other authority) entitling him to travel by the particular class or train or to enter railway premises;
- (ii) examining whether the tickets have been issued in conformity with the prescribed rules and instructions; and
- (iv) seeing (ultimately) that the tickets have been correctly accounted for in railway books.

502. Measures for combating ticket less travel and check of tickets. Vigorous and sustained efforts should be directed towards combating ticket less traveling. The tickets of the passengers should be checked : (i) when they are entering the platform for entraining ;

(ii) en route, by the ticket checking staff; and (iii) at destination, where the tickets should also be collected.

506. Checking and nipping of tickets at stations of commencement of journey. (a) No person should be allowed to enter the platform of a station without a proper pass or a ticket. At stations, where Ticket Collectors are provided all the card tickets of passengers admitted to platforms should be nipped with the gate nippers. At other stations the tickets should be so nipped by the Booking Clerk before handing over the tickets to the passengers. ...

510. Collection of tickets. (a) Station Masters are personally responsible for making adequate arrangements at their stations to ensure that passengers leave the platforms only through the proper exits, after surrendering or showing their tickets or passes. The efficiency or otherwise of these arrangements will be judged from the number of tickets missing in collection. In collecting tickets or passes it should be seen that every passenger holds a proper ticket or pass, that the ticket or pass is for the station to which, and the train and class of carriage by which, he travels and that the time allowed for the completion of journey has not been exceeded. It should also be seen that the passenger has not traveled with excess un-booked luggage....

522 Duties of Traveling Ticket Examiners. (a) The duties of Travelling Ticket Examiners are to travel over their 'beats' to check irregularities of all kinds connected with passengers travelling without tickets, with tickets out of date or otherwise irregular, overriding or travelling in higher class carriages than they hold tickets for, or travelling by trains by which their tickets are not valid, to check the luggage of passengers, to see that it is correctly booked and to detect and prosecute or to a report against persons who cheat or attempt to cheat the railway of its legitimate dues, and to recover such dues. They must examine the luggage tickets held by passengers and see on how many tickets the free allowance has been given and whether such tickets are actually held by the passengers. The tariff rules with regard to the carriage of over-sized packages, dogs, birds, etc., with owners should also receive attention.

(b) In their dealings with the travelling public, the Travelling Ticket Examiners should always bear in mind that passengers holding proper tickets some time feel annoyed at being called upon to produce their tickets, particularly if this is required frequently during their journey, and such passengers are likely to look on the work of ticket checking as involving harassment. Ticket checking staff should, therefore, note that in the performance of their duties, the greatest tact and politeness is no less important than the necessary firmness. ...

²¹ <https://timesofindia.indiatimes.com/city/allahabad/journey-in-humid-overcrowded-train-claims-infants-life/articleshow/64329072.cms>

... ..

532. Powers to remove persons from railway carriages. Passengers, who travel without proper tickets or any other authority, or who do not present for examination or deliver up their tickets on demand and fail to pay the charges due, should be removed from the carriage under section

139 of the Railways Act which reads as under

"Section 139. Any person failing or refusing to pay the fare and the excess charge referred to in section 138 may be removed by any railway servant authorised in this behalf who may call to his aid any other person to effect such removal: Provided that nothing in this section shall be deemed to preclude a person removed from a carriage of a higher class from continuing his journey in a carriage of a class for which he holds a pass or ticket: Provided further that a woman or a child if unaccompanied by a male passenger, shall not be so removed except either at the station from where she or he commences her or his journey or at a junction or terminal station or station at the headquarters of a civil district and such removal shall be made only during the day."

537. Travelling without a pass or ticket. If a passenger travels without a proper pass or ticket and his intention to defraud the Railway Administration cannot be proved, he should be dealt with under section 138 of the Railways Act...

Operating Manual for Indian Railways²²

CUSTOMER INTERFACE AND ROLE OF COMMERCIAL STAFF

Platform Ticket Checking staff: - (a) Their foremost duty is to enforce rigid access control in station area to prevent ticket less travel and entry of undesirable elements in station premises.

3. Precautions before starting a train carrying passengers:

c) Conductor or TTE shall, before the train leaves the starting station, request the occupants of those compartments to test if the locking devices on doors and windows are in working order. In case of any defect, they shall arrange to have the defects put right by the TXR staff under advice to SM either at the starting station or at the next train examining station.

... ..

(e) Conductor and TTEs must see that passengers are not getting in and out of carriage when trains are about to start and that no one is travelling on the roofs of carriage.

(g) Passengers to be courteously treated.-All passengers, irrespective of the class of tickets they hold, shall be courteously treated and all possible assistance and protection afforded to them while on Railway Premises.

4. Precautions during journey:-

(a) In cases of long distance through trains coming from or going to other railways, which have yet to journey through the following night, the guard or conductor or TTE shall, at a convenient station some time during the day, approach the occupants of **upper class and second class ladies compartments**, and request them to check up if the door latches and window catches are in good working order; when the train arrives at a station where the TXR staff is required to attend to the safety catches, the TXR staff should be ready with the necessary material and should themselves check up the locking devices and put right any deficiencies detected by them or reported to them by passengers...

Duties and Responsibilities of TTEs

... ..

²² <http://indianrailways.gov.in/railwayboard/uploads/codesmanual/operating%20manual-traffic.pdf>

(viii) He shall look after the safety and comforts of passengers in general and of upper class and women passengers in particulars. (ix) He shall assist all classes of passengers in securing accommodation either reserved or available for them.

(emphasis supplied)

Although useful for reference and also to understand the manner of working of the Railways, the provisions of the Manual may or may not be enforceable at all times given practical considerations, for example, checking each ticket at three separate locations before a person boards the train. Two statutes, however, do impose an obligation upon the Railways or the Railway Protection Force in the following terms:

The 1989 Act

55. Prohibition against travelling without pass or ticket.—(1) No person shall enter or remain in any carriage on a railway for the purpose of travelling therein as a passenger unless he has with him a proper pass or ticket or obtained permission of a railway servant authorised in this behalf for such travel.

(2) A person obtaining permission under sub-section (1) shall ordinarily get a certificate from the railway servant referred to in that sub-section that he has been permitted to travel in such carriage on condition that he subsequently pays the fare payable for the distance to be travelled.

Railway Protection Force Act, 1957

11. Duties of members of the Force.—It shall be the duty of every superior officer and member of the Force— (a) promptly to execute all orders lawfully issued to him by his superior authority

- (b) to protect and safeguard railway property, passenger area and passengers;
- (c) to remove any obstruction in the movement of railway property or passenger area; and
- (d) to do any other act conducive to the better protection and security of railway property, passenger area and passengers.

These are undoubtedly enforceable.

14. All of these aspects from the Manual, become important. It is not the pleaded case of the respondent that he was standing on the foot-board (entry gate). Had the provisions of this Manual been followed, there would be records of the deceased's ticket having been checked even before he entered the train, putting to rest the main question of whether the deceased was a ticketless traveller and thereby disentitling him to compensation, saving his family members the effort of having to carry the matter all the way up to this Court.

15. Perhaps it was such similar cases before the High Court(s)²³ that led them to recognise and underscore the issue of overcrowding. Mechanisms are in place to deal with the problem. Specific responsibilities have been cast upon responsible officers of the Railways to check the issue of overcrowding among other things. The forethought is clearly visible, but the execution leaves much to be desired.

16. We may observe one more thing. It would be entirely unfair to cast sole responsibility upon the Railways. The passengers themselves have an equal responsibility. Incidents such as these are not hidden from the general public and despite the painful ends that most of these people meet, there has not been a reform in habit and people still insist on being daredevils in catching trains and making their way from one place to another. True it is that most of these choices are informed by one or the other practical consideration, but the risk stares one right in the face. Sometimes then, practical

²³ Union of India v. Suchitra Ganesh Pathare, 2008 SCC OnLine Bom 83; Pushpaben Jitendrakumar Shah v. Union of India, 2004 SCC OnLine Guj 74

considerations must give way to the preservation of life. It is unfortunate that in the economic rat race, such obvious aspects are readily kept on the backburner.

17. The difficulties in effectuating some of the provisions of the Manual were alluded to, by us, above. It would require an exponential increase in the manpower that serves the Railway stations and the trains. While we are in the era of modernisation, we may suggest that it may be only felicitous both for the Organisation and the country as a whole if the youth of today are employed by the Organisation, not only giving them a stable source of livelihood but also preserving human lives.

18. One aspect that caught our attention while perusing the manual and other related documents, was the use of the term “*second class passenger*”. While it is ostensibly linked to the expenditure incurred by the passenger to travel, we may suggest that the class connotation be attached to the coach and not to the passenger, in recognition of the history of class divisions in our country and the same being offensive to the spirit of the Constitution of India.

19. Turning back to the present facts, there is a statement by the appellant that the deceased had a ticket in his bag for the journey. There is no other way to prove this. There is no denial of the deceased travelling in the train and occurrence of the incident. The factum of death and it not falling into the exceptions provided for, is quite clear. It is no one’s case that the exceptions apply. Then, the claim only depends on the ticket. The said bag in which the ticket was allegedly kept, could not be recovered, more so by the Police. Be that as it may, we are of the view that the Courts below have erred in not awarding compensation to the appellant. The decision in ***Rina Devi*** (supra) subsequently approved by a Bench of three judges in ***Doli Rani Saha v. Union of India***²⁴, records that merely because the ticket of a train journey was not found on the person of the deceased, will not change his status as a *bona fide* passenger. It has been held that the initial burden of the claimant can be satisfied by way of an affidavit. Such an affidavit has indisputably been filed by the claimant in the present facts. She states:

“[3]. My husband is expired in an untoward incident on 28.11.2015 my husband while traveling from Raipur to Ahmedabad by 12834 Ahmedabad Howrah Mail was fell down from the running train in between Khandbara to Khatgaon on the Rly. Track in between K.M.129/1-2 of Rly. Stn. Khandbara Dist Nandurbar (M.S.) and has sustained the serious injuries and died

[4] My husband was possessing the valid Rly.travelling ticket. But, unfortunately it was misplaced in the untoward incident.

... ..

[7] [A] That, on 28-11-2015, the deceased was traveling from Raipur to Ahmedabad.

The deceased was doing business of Catering at Anjar in Gujrat State. He was going to Ahmedabad in connection of his business work. Accordingly, he has purchased the Rly. Ticket from Rly. Ticket from Raipur to Ahmedabad and boarded in the train 12834 Ahmedabad Howrah Mail. But, the said Rly. Ticket is misplaced along with the travel bag of the deceased, in which he has kept the ticket. The applicants have requested the Pol.authority to search out the travel bag of the deceased and also the Rly.ticket. But, till today there is no any information about it from the Police”

20. In that view of the matter and with reference to Schedule I to the Railway Accidents and Untoward Incidents (Compensation) Rules, 1990, as amended by the Railway Accidents and Untoward Incidents (Compensation) Amendment Rules, 1997 and

²⁴ (2024) 9 SCC 656

enhanced by a Notification bearing No. GSR 1165(E) dated 22.12.2016, the compensation payable for the death of a passenger is Rs. 8,00,000/-.

21. The appeal is allowed. The impugned judgments of the High Court and the Railway Claims Tribunal are set aside. Learned counsel for the appellant shall furnish details of the bank account of the appellant to the office of the learned ASG appearing for Union of India, who shall then ensure transmitting the details to the relevant authority for payment of the compensation within four weeks from the date of this judgment, failing which the amount shall carry interest at the rate of 8% from the date of filing of the claim petition. Costs are to be borne by the parties themselves. Applications, if any pending, shall be closed.

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