



---

LEGALEAGLE  
LAW FORUM  
**REVIEW DOCUMENT**

**THE RAILWAY CLAIMS TRIBUNAL ACT, 1987**

**AUTHOR :-** AAROHI AD BE

# **THE RAILWAY CLAIMS TRIBUNAL ACT, 1987**

## **OBJECTIVE**

An Act to provide for the establishment of a Railway Claims Tribunal for inquiring into and determining claims against a railway administration for loss, destruction, damage, deterioration or non-delivery of animals or goods entrusted to it to be carried by railway or for the refund of fares or freight or for compensation for death or injury to passengers occurring as a result of railway accidents [or untoward incidents] and for matters connected therewith or incidental thereto.

## **IMPORTANT PROVISIONS (In Short)**

### **Section 2. Definitions.—In this Act, unless the context otherwise requires,—**

- (a) “application” means an application made under section 16;
- (b) “appointed day” means the date with effect from which the Claims Tribunal is established under section 3;
- (c) “Bench” means a Bench of the Claims Tribunal;
- (d) “Chairman” means the Chairman of the Claims Tribunal;
- (e) “Claims Tribunal” means the Railway Claims Tribunal established under section 3;
- (f) “Judicial Member” means a Member of the Claims Tribunal appointed as such under this Act, and includes the Chairman or Vice-Chairman who possesses any of the qualifications specified in sub-section (3) of section 5;
- (g) “Member” means a Member (whether Judicial or Technical) of the Claims Tribunal, and includes the Chairman and Vice-Chairman;
- (h) “notification” means a notification published in the Official Gazette;
- (i) “prescribed” means prescribed by rules;
- (j) “Railways Act” means the Indian Railways Act, 1890 (9 of 1890);
- (k) “rules” means rules made under this Act;

(l) “Technical Member” means a Member of the Claims Tribunal who is not a Judicial Member, and includes the Chairman or a Vice-Chairman who possesses any of the qualifications specified in sub-section (4) of section 5;

(m) “Vice-Chairman” means a Vice-Chairman of the Claims Tribunal.

(n) “untoward incident” shall have the meaning assigned to it in clause (c) of section 123 of the Railways Act, 1989 (24 of 1989);]

(o) words and expressions used and not defined in this Act but defined in the Railways Act or the rules made thereunder shall have the meanings respectively assigned to them in that Act or the said rules.

### 3. Establishment of Railway Claims Tribunal.—

The Central Government shall, by notification, establish a Claims Tribunal, to be known as the Railway Claims Tribunal, to exercise the jurisdiction, powers and authority conferred on it by or under this Act

### 4. Composition of Claims Tribunal and Benches thereof.—

(1) The Claims Tribunal shall consist of a Chairman, four Vice-Chairmen and such number of Judicial Members and Technical Members as the Central Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Claims Tribunal may be exercised by Benches thereof.

(2) Subject to the other provisions of this Act, a Bench shall consist of one Judicial Member and one Technical Member.

(3) Notwithstanding anything contained in sub-section (1), the Chairman—

(a) may, in addition to discharging the functions of the Judicial Member or the Technical Member of the Bench to which he is appointed, discharge the functions of the Judicial Member or, as the case may be, the Technical Member, of any other Bench;

(b) may transfer a Vice-Chairman or other Member from one Bench to another Bench;

(c) may authorise the Vice-Chairman or the Judicial Member or the Technical Member appointed to one Bench to discharge also the functions of the Vice-Chairman or, as the case may be, the Judicial Member or the Technical Member of another Bench.

(4) Notwithstanding anything contained in the foregoing provisions of this section, it shall be competent for the Chairman or any other Member authorised by the Chairman in this behalf to function as a Bench consisting of a single Member and exercise the jurisdiction, powers and authority of the Claims Tribunal in respect of such classes of cases or such matters pertaining to such classes of cases as the Chairman may, by general or special order, specified.

(5) Subject to the other provisions of this Act, the Benches shall sit at such places as the Central Government may, by notification, specify.

### **Section 5. Qualifications for appointment as Chairman, Vice-Chairman or other Member.—**

(1) A person shall not be qualified for appointment as the Chairman unless he—

- (a) is, or has been, a Judge of a High Court; or
- (b) has, for at least two years, held the office of a Vice-Chairman.

(2) A person shall not be qualified for appointment as the Vice-Chairman unless he—

- (a) is, or has been, or is qualified to be, a Judge of a High Court; or
- (b) has been a member of the Indian Legal Service and has held a post in Grade I of that Service or any higher post for at least five years; or
- (c) has, for at least five years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India; or
- (d) has, for at least five years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways; or
- (e) has, for a period of not less than three years, held office as a Judicial Member or a Technical Member.

(3) A person shall not be qualified for appointment as a Judicial Member unless he—

- (a) is, or has been, or is qualified to be, a Judge of a High Court; or

(b) has been a Member of the Indian Legal Service and has held a post in Grade I of that Service for at least three years; or

(c) has, for at least three years, held a civil judicial post carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India.

(4) A person shall not be qualified for appointment as a Technical Member unless he has, for at least three years, held a post under a railway administration carrying a scale of pay which is not less than that of a Joint Secretary to the Government of India and has adequate knowledge of rules and procedure of, and experience in, claims and commercial matters relating to railways.

(5) Subject to the provisions of sub-section (6), the Chairman, Vice-Chairman and every other Member shall be appointed by the President.

(6) No appointment of a person as the Chairman shall be made except after consultation with the Chief Justice of India.

### **Section 7. Term of office.—**

The Chairman, Vice-Chairman or other Member shall hold office as such for a term of five years from the date on which he enters upon his office or until he attains,—

(a) in the case of the Chairman, the age of sixty-five years; and

(b) in the case of the Vice-Chairman or any other Member, the age of sixty-two years, whichever is earlier.

### **Section 8. Resignation and removal.—**

(1) The Chairman, Vice-Chairman or other Member may, by notice in writing under his hand addressed to the President, resign his office: Provided that the Chairman, Vice-Chairman or other Member shall, unless he is permitted by the President to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The Chairman, Vice-Chairman or any other Member shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the Supreme Court in which such Chairman, Vice-

Chairman or other Member had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member referred to in sub-section (2).

9. Salaries and allowances and other terms and conditions of service of Chairman, Vice-Chairman and other Members.—

The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members shall be such as may be prescribed: Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairman, Vice-Chairman or other Members shall be varied to his disadvantage after his appointment.

### **Section 11. Financial and administrative powers of Chairman.—**

The Chairman shall exercise such financial and administrative powers over the Benches as may be vested in him under the rules:

Provided that the Chairman shall have authority to delegate such of his financial and administrative powers as he may think fit to the Vice-Chairman or any other officer of the Claims Tribunal, subject to the condition that the Vice-Chairman or such officer shall, while exercising such delegated powers, continue to act under the direction, control and supervision of the Chairman.

### **Section 12. Staff of Claims Tribunal.—**

(1) The Central Government shall determine the nature and categories of the officers and other employees required to assist the Claims Tribunal in the discharge of its functions and provide the Claims Tribunal with such officers and other employees as it may think fit.

(2) The officers and other employees of the Claims Tribunal shall discharge their functions under the general superintendence of the Chairman.

(3) The salaries and allowances and conditions of service of the officers and other employees of the Claims Tribunal shall be such as may be prescribed.

### **Section 14. Distribution of business amongst Benches.—**

(1) Where any Benches are constituted, the Central Government may, from time to time, by notification, make provisions as to the distribution of the business of the Claims Tribunal amongst the Benches and specify the matters which may be dealt with by each Bench.

(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairman shall be final.

### **Section 19. Right to legal representation and presenting officers.—**

(1) A person making an application to the Claims Tribunal may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Claims Tribunal.

(2) A railway administration may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised by it may present its case with respect to any application before the Claims Tribunal.

### **Section 26. Members and staff of Claims Tribunal to be public servants.—**

The Chairman, Vice-Chairman and other Members and the officers and other employees of the Claims Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

### **Section 27. Protection of action taken in good faith.—**

No suit, prosecution or other legal proceeding shall lie against the Central Government or against the Chairman, Vice-Chairman or other Member, or any other person authorised by the Chairman, Vice-Chairman or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

### **Section: 30. Power to make rules.—**

(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the procedure under sub-section (3) of section 8 for the investigation of misbehaviour or incapacity of the Chairman, Vice-Chairman or other Member;

(b) salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairman, Vice-Chairman and other Members under section 9;

(c) the financial and administrative powers which the Chairman may exercise over the Benches under section 11;

(d) the salaries and allowances and conditions of service of officers and other employees of the Claims Tribunal under sub-section (3) of section 12;

(e) the form of application, the documents and other evidence to be accompanied with such application and fee in respect of filing of such application and fee for the service or execution of processes under sub-section (2) of section 16;.

## **CONCLUSION**

The Railway Claims Tribunal works on determining claims against Railway Administration for loss, destruction, damage deterioration and non-delivery of goods and for death or injuries or loss to a passenger in a railway accident. Users can access cause list, case status, judgements and daily orders of the Tribunal. Information regarding Acts, RCT (procedure) rules, the Railway Act, provisions and master circulars is given. Downloadable forms for claim of loss and damage are also available. Details about the Tribunal, its aims, objectives, jurisdiction, benches, etc. are given.



## About the Author



---

I'm Aarohi Adbe, student of B.A.LLB 3rd year from Manikchand Pahade law college Aurangabad, Maharashtra. Amazing experience interning with LEGALEAGLE LAW FORUM and got to increase my knowledge. People were very supportive and were always there to solve the queries. Every work was on time which actually motivated me to complete my work before deadline.