

**GOVERNMENT OF INDIA
RAILWAYS
LOK SABHA**

UNSTARRED QUESTION NO:3762

ANSWERED ON:25.08.2011

CHHAPRA EXPRESS ACCIDENT

Choudhary Shri Bhudeo;Singh Shri Radha Mohan;Singh Smt. Meena

Will the Minister of RAILWAYS be pleased to state:

(a) whether a number of persons were killed in accidents due to collision of Chhapra Express with a bus on the unmanned railway crossing between Patiyali-Dariaganj stations in Kashiram Nagar district, Uttar Pradesh;

(b) if so, the details of the above accident; and

(c) the amount of compensation paid by the Railways to the dependants of those killed in the accident and assistance provided to those injured?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF RAILWAYS (SHRI K.H. MUNIYAPPA)

(a) to (c): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF UNSTARRED QUESTION NO.3762 BY SHRI RADHA MOHAN SINGH, SHRI BHUDEO CHOUDHARY AND SHRIMATI MEENA SINGH TO BE ANSWERED IN LOK SABHA ON 25.08.2011 REGARDING CHHAPRA EXPRESS ACCIDENT.

(a) & (b): Yes, Madam. On 07.07.2011 at 01.49 hours, while the Train No.15108 Dn Mathura-Chhapra Express was on run between Patiali-Daryaoganj stations of Kasganj-Kanpur Anwarganj Section of Izzatnagar Division of North Eastern Railway, it dashed with a bus at Unmanned Level Crossing No.209/C. In this unfortunate incident, 39 persons travelling in the bus lost their lives and 33 persons were injured. No passenger of the train suffered any injury.

A statutory inquiry has been conducted into the above accident by the Commissioner of Railway Safety (CRS)/North Eastern Circle under the Ministry of Civil Aviation based at Lucknow. In his preliminary report, he has provisionally concluded that the accident occurred due to negligent driving by the driver of the bus. Accordingly, he has attributed the cause of the accident to 'Failure of persons other than Railway staff.

(c): Railway has no statutory liability under the Railways Act, 1989 or Claims Tribunal Act, 1987, for payment of compensation in case of accidents at unmanned level crossings caused due to negligence of road vehicle users in which railway passengers are not involved. As per Section 161 of the Railways Act, 1989, negligently crossing an unmanned level crossing is a punishable act. As per Section 131 of Motor Vehicle Act, 1988 also, the driver of motor vehicle has to follow certain precautions while crossing railway track. However, the victims or their dependants can claim compensation by approaching Motor Vehicle Accident Tribunals and the compensation is payable only if any contributory negligence is proved on the part of the Railway Administration.

However, considering the severity of the incident, on humanitarian grounds, an ex-gratia amount of Rs. 2,00,000/- each to the next of the kin of deceased, Rs. 50,000/- to each grievously injured and Rs. 10,000/- to each simple injured person has been announced. Accordingly, an amount of Rs. 84,80,000/- has been disbursed so far by the Railways.