

RAILWAYS (EXTENT OF MONETARY LIABILITY AND PRESCRIPTION OF PERCENTAGE CHARGE) RULES, 1990

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RAILWAYS (EXTENT OF MONETARY LIABILITY AND PRESCRIPTION OF PERCENTAGE CHARGE) RULES, 1990

G.S.R. 557 (E), dated 7th June, 1990¹.-In exercise of powers conferred by sub-section (1) and Cl. (c) of sub-section (2) of Sec. 12 of the Railways Act, 1989 (24 of 1989), read with S.22 of the General Clauses Act, 1897, the Central Government hereby makes the following rules, namely :

1. Short title and commencement :-

(1) These rules may be called the Railways (Extent of Monetary and Prescription of Percentage Charge) Rules, 1990.

(2) They shall come into force on the date of commencement of the Act.¹

1. W.e.f. 1st July, 1990. vide S.O. 475 (E) dated 12th June, 1990.

2. Definitions :-

In these rules unless the context otherwise requires, -

(a) "Act" means the Railways Act, 1989 (24 of 1989).

(b) "Baggage" means personal effects of a passenger entrusted to a railway administration for carriage.

(c) "Excess value" in respect of any consignment means the amount by which the value declared by a consignor exceeds the amount of liability of a railway administration as specified or calculated under sub-rule (1) of rule(3).

(d) "Percentage charge" means the percentage charge payable on excess value calculated in accordance with the rate specified in Col. 2 of Sch. II.

(e) "Schedule" means the Schedule to these rules.

(f) words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Monetary liability of a railway administration :-

(1) Where a railway administration is responsible for loss, damage, destruction, deterioration or non-delivery of any consignment, the amount of liability of such railway administration in respect of such loss, damage, destruction, deterioration or non-delivery shall not, unless the consignor has declared its value and paid percentage charge on excess value of such consignment, exceed, -

(i) in the case of any consignment consisting of animals, the amount specified in Sch. I; or

(ii) in the case of any consignment consisting of baggage, an amount calculated at rupees one hundred per kilogramme ; or

(iii) in the case of any consignment other than those, referred to in Cls. (i) and (ii) above, an amount calculated at rupees fifty per kilogramme.

(2) Where a railway administration is responsible for loss, damage, destruction, deterioration or non-delivery of any consignment and the consignor has at the time of entrustment for carriage declared the value of such consignment and paid percentage charge on excess value at the rate specified in Pt. I or Pt. II as the case may be of Sch. II, the amount of liability of a railway administration for loss, damage, destruction, deterioration or non-delivery of such consignment shall not exceed the value declared

Explanation 1.- Where in respect of carriage of any consignment, the freight is chargeable on any basis, other than its actual weight, the amount of liability of a railway administration shall be determined with reference to the actual weight of such consignment.

Explanation 2. -Where the loss, damage, destruction, deterioration of

4. Certain goods not to be accepted for carriage unless percentage charge paid. :-

No railway administration shall accept for carriage, the goods specified in Part I of Sch. II unless the consignor declares the value of such goods and pays the percentage charge applicable to such goods as indicated in column 2 of Sch. II

SCHEDULE 1

1

(1) (2)
Description of animals Extent of responsibility of Railway Administration. \\ \\ \\ \\ \\ \\ \\ \\ (Per head) \\ \\ \\ \\ \\ \\ \\ \\ (Rs)
Elephants 6,000 Horses 3,000 Mules, horned cattle or camels 800 Dogs, donkeys, goats, sheep or other animals not mentioned above, or birds. 120

SCHEDULE 2

2

PART

1

PART

2