

The Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990

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The Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990¹

In exercise of the powers conferred by clauses (h) and (i) of sub-section (2) of Section 87 of the Railways Act, 1989 (24 of 1989), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) “Act” means the Railways Act, 1989 (24 of 1989);
- (b) “Open Delivery” means delivery of a consignment given by railway administration on the demand of the consignee or endorsee when such consignment arrives in a damaged condition or shows signs of having been tampered with;
- (c) “Partial Delivery” means delivery of a part of the consignment where the whole consignment has not arrived at the destination;
- (d) “Schedule” means the Schedule to these rules;
- (e) words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Open delivery of consignment.—Where any consignment arrives at the destination station in a damaged condition or shows signs of having been tampered with, the consignee or the endorsee may make a request in writing to the railway administration for open delivery of such consignment, in accordance with these rules:

Provided that any assessment of the extent of damage shall not prejudice the rights of the railway administration to repudiate its liability under the Act.

4. Condition subject to which open delivery of a damaged consignment shall be given.—A railway administration may give open delivery of a damaged consignment subject to the condition that the extent of damage to the consignment shall be assessed by the railway servant granting such open delivery on the basis of visual examination and such other chemical or physical tests as he may deem necessary.

1. *Vide* Noti. No. GSR 942(E), dt. 11-12-1990, pub. in Gaz. of India, Extra., Pt. II, S. 3(i), dt. 11-12-1990.

5. Conditions subject to which open delivery of tampered consignments shall be given.—A railway administration may give open delivery of tampered consignments subject to the following conditions namely:—

- (1) Assessment of the extent of shortage shall be done by the railway servant granting open delivery after comparing the details of the consignment booked for carriage as recorded in the railway receipt produced by consignee or the endorsee.
- (2) The extent of shortage may, also, either be assessed, by physical counting of the packages and their contents forming the consignment, or by weightment.

6. Assessment of the value of damage or shortage.—The consignee or the endorsee shall produce the original trade invoice or beejuck or puttee or any other documentary proof indicating the contents and value of the consignment to enable the railway servant granting open delivery to compute the shortage or damage.

7. Imported consignments.—With respect to imported consignments open delivery under Rules 4 and 5, shall be given subject to the consignee or endorsee producing the Forwarding Agents clearance bill and if such consignments have been surveyed then, the survey report of such consignments.

8. Record of open delivery.—(1) The record of open delivery shall be maintained in the form specified in Schedule I with respect to each consignment.

(2) A copy of the form referred to in sub-rule (1) shall be provided to the consignee or the endorsee as the case may be.

9. Partial Delivery Certificate.—Where partial delivery is given the railway administration shall furnish to the consignee or endorsee a Partial Delivery Certificate as specified in Schedule II.

SCHEDULE I

[See Rules 4 and 5]

Record of open delivery of consignment

No..... dated Station Stamp From To Via
 Invoice No.... R.R. No..... dated Consignment of Wagon No..... Sender
 Consignee/Endorsee Remarks on the R.R. Actual condition of packing found
 at the time of giving open delivery (wherever relevant) Delivery remarks (Extent of Damage/
 Shortage and how arrived at)

Signature in full of
 the consignee/endorsee or
 his authorised representative

taking open delivery with date
 Name of consignee/endorsee
 or his authorised representative

Signature in full of the
 Railway Servant, with
 designation, granting open
 delivery

Full Address

SCHEDULE II

[See Rule 9]

Partial delivery certificate

The Railway has delivered number of packages of forming part of the
consignment booked from to via under Invoice No.....Railway Receipt
No.....dated consisting of packages of

Signature in full of the Railway
servant, with designation,
granting partial delivery.