

The Railways (Extent of Monetary Liability and Prescription of Percentage Charge) Rules, 1990¹

In exercise of the powers conferred by sub-section (1) and clause (c) of sub-section (2) of Section 112 of the Railways Act, 1989 (24 of 1989) read with Section 2 of the General Clauses Act, 1987 (10 of 1987), 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 Liability and Prescription of Percentage Charge) Rules, 1990.

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

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 Column 2 of Schedule 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 Schedule 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 clauses (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

1. *Vide* Noti. No. GSR 557(E), dated 7th June, 1990, published in the Gazette of India, Extra., Part II, Section 3(i), dated 7-6-1990.

time of entrustment for carriage declared the value of such consignment and paid percentage charge on excess value at the rate specified in Part I or Part II as the case may be of Schedule 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 of 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 or non-delivery is only with respect to part of a consignment, the weight to be taken into consideration for determining the amount of liability of a railway administration is the weight of the goods lost, damaged, destroyed, deteriorated or non-delivered unless such loss, damage, destruction, deterioration or non-delivery affects the value of the entire consignment.

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 Schedule 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 Schedule II.

SCHEDULE I

(1)	(2)
<i>Description of animals</i>	<i>Extent of responsibility of Railway Administration</i>
	(Per head) (Rs)
Elephants	6000
Horses	3000
Mules, horned cattle or camels	800
Dogs, donkeys, goats, pigs, sheep or other animals not mentioned above, or birds	120

SCHEDULE II

<i>Description of goods</i>	<i>Rate of Percentage charge</i>
	Part I
(1)	(2)
1. Gold	13 paise per 100 rupees or part thereof on excess value per 160 kilometres or part thereof subject to a maximum of 1% of excess value
2. Silver	
3. Pearls	
4. Precious stones	

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5. Jewellery
- ²[5-A. Scooter or Motor Cycle other than those booked in full rake of parcel van consisting of at least 15 parcel vans or equivalent to 8 wheeled coaches]
6. Currency notes and coins ³[other than Government Treasure]
7. Government stamps ⁴[and stamped paper other than postal stationery and stamps]
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Part II

(1)	(2)
Goods other than those specified in Part I	25 paise per 100 rupees or part thereof on excess value per 160 kilometres or part thereof subject to a maximum of 1% of excess value.

2. *Subs.* by GSR 219(E), dt. 30-3-2009 (w.e.f. 30-3-2009).

3. *Added* by Noti. No. GSR 90(E), dt. 26-2-1991 (w.e.f. 26-2-1991).

4. *Added* by Noti. No. GSR 90(E), dt. 26-2-1991 (w.e.f. 26-2-1991).