

# **COMPENSATION FOR LOSS, DAMAGE ETC. OF GOODS/ANIMALS**

## **What is a Railway Claim (Goods/Animals) -**

A railway claim may be defined as a formal demand by the rightful claimant for compensation in respect of the goods or animals entrusted to the Railway Administration for carriage from one station to the other and that have not reached the destination in the condition handed over by virtue of -

- a) Complete non-delivery of the consignment.
- b) Partial delivery of the consignment.
- c) Pilferage, damage, deterioration of packages.
- d) Rotting of perishables like fruits and vegetables.

## **False Claims**

### **Section 149: Making a false claim for compensation**

If any person requiring compensation from a railway administration for loss, destruction, damage, deterioration or non-delivery of any consignment makes a claim which is false or which he knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

## **Time-barred claims**

As per the provision in Section 106 of the Railways Act, 1989, claims for non-delivery or partial delivery or damage of consignment has to be filed within 6 months from the date of booking of the consignment. After expiry of the period of six months, the case becomes time-barred and are generally not entertained. The General Managers of zonal railways are however, empowered to settle time-barred cases at their discretion after satisfying themselves about the reasonableness of late filing of claims.

## **Suit-barred claims**

The definition of suit-barred cases may be seen in the light of item Nos. 10 & 11 of Part II of the schedule of the Indian Limitation Act 1963 which read as under :

<b>Description of Suit</b>	<b>Period of Limitation</b>	<b>Time from which period starts</b>
10. Against a carrier for compensation for losing or injuring goods	Three years	When the loss or injury occurs
11. Against a carrier for compensation for non-delivery of, or delay in delivering goods	Three years	When goods ought to be delivered

Accordingly, a claims case which becomes three years old is termed as suit-barred and thus, no suit can be filed against the railways in regard to that case. The reasons for the case becoming three years old may be many i.e. for want of relevant documents (not accompanying the claims notice), for want of some clarification from the party, etc. after which the claims is normally repudiated. However, in some cases, the delay in settlement of claims is on account of the railways i.e. for want of report of the tracing inspectors, for fixing of Inter-railway liability & Staff responsibility, etc. resulting in the case becoming suit-barred. Such cases are however, not repudiated casually as suit-barred but are decided on merit of the case. The General Managers of zonal railways enjoy the discretionary powers for waiver of suit-bar aspect.

### **Not Received Cell**

In order to achieve the objective of giving better after-sale service to the customers, the Indian Railways have established "Not Received Cells (NR Cells) at Divisional & Zonal level. The duty of these Cells involve tracing and connecting consignments which do not reach the desired destination within reasonable transit-time. For even better monitoring of cases, an NR Cell is also working at Railway Board. An aggrieved customer can directly contact the NR Cell/concerned officer on phone or by E-mail.

<b>N R Cell</b>	<b>Phone. No.</b>	<b>Fax. No.</b>	<b>E-mail</b>
Railway Board	011-3384416 011-3303850 011-3303858	011-3386950	dtclaim@rb.railnet.gov.in nrcell@rb.railnet.gov.in
West Central Railway	9752415977	0761-2677072	
Jabalpur	0761-2627480	0761-2678280	
Bhopal	0755-2454602	0755-2457166	
Kota	0744-2467021	0744-2467160	

### **Monetary Powers of claims settling officers**

For settlement of claims, different monetary powers have been stipulated for officers of the claims offices of the zonal railways. The monetary powers are given below.

<b>General Manager</b>	<b>Unlimited</b>
CCM in HAG or Coordination Head	Rs. 4,00,000
CCO	Rs. 2,00,000
Dy. CCM(Claims) or Dy. CCO	Rs. 60,000
SCM	Rs.15,000
ACM	Rs. 8,000

## **Claims for unbooked luggage**

No compensation is payable for unbooked luggage or luggage which is in the care and custody of the passenger.

### **Beware & Take Care**

- (a) No compensation for unbooked luggage or for luggage in the care & custody of the passenger.
- (b) Do not mis-declare the contents of the consignment.
- (c) Filing false claims will invite punishment/Fine or both.
- (d) Railways do not pay compensation for goods booked at owner's risk.
- (e) Always conform to prescribed packaging conditions while packing goods
- (f) Railways are liable to pay only 50% of the amount of liability for goods (normally to be carried in covered wagons), but carried in open wagons at the request of the party.
- (g) Railways are not liable for shortage in consignments booked on "Said to Contain" Railway Receipt i.e. booking is not supervised by railway staff. For such cases, the onus for proving the weight of the booked consignment or the number of packages in the consignment lies with the consignor as per Section 65(2) of Railways Act, 89.
- (h) Avoid repudiation as Time-bar ! File your claims within six months from the date of booking of consignment.
- (i) Avoid repudiation as Suit-bar ! Enclose all necessary documents with the claims application.
- (j) Get value of your lost consignment ! Pay %age charge while booking !
- (k) Avoid damage by wet, etc. ! Remove the consignment from the platform at the earliest.
- (l) Take delivery of consignments within 7 days of arrival ! Unclaimed Consignments will be disposed off as per stipulated procedure !