

Government of India
Ministry of Shipping, Road Transport & Highways
Department of Road Transport & Highways

Annexure-17
114
Transport Bhavan,
Parliament Street,
New Delhi-110001.

No.RT-16031/6/2005-T

14th November, 2005

To

The Transport Secretaries of
All States and UTs

Sub: Overloading of vehicles - WP No.136/2003 in the matter of Paramjit Bhasin and Ors. Vs UOI and Ors

Sir,

This Department has been writing to the States and UTs regarding the need and urgency of controlling overloading from time to time. This matter has been considered by Hon'ble Supreme Court of India in the WP No.136/2003 in the case of Paramjit Bhasin and Ors. Vs UOI and Ors where the Hon'ble Court has categorically held that existence of provision of compounding under Section 200 of Motor Vehicles Act, 1988 and issuance of notifications by States in respect of such compounding do not allow fresh commission of the offence by way of continuance of plying of overloaded vehicle after payment of the fine. In other words, the Hon'ble Court has held that excess load detected needs to be offloaded before allowing overloaded vehicle to proceed further.

2 A copy of the judgment of the Hon'ble Supreme Court is enclosed for information and strict compliance.

Yours faithfully,



(Ramu Gupta)

Under Secretary to the Govt of India

Tel:23717367

Encl: As above.

Government of India
Ministry of Shipping, Road Transport & Highways
Department of Road Transport & Highways

Transport Bhawan
Parliament Street,
New Delhi-110001.

No.RT-16031/6/05-T (Pt)

Dated: 10th March, 2006

To

1. Secretary/Principal Secretary/Commissioner (Transport) of Gujarat, U.P, Bihar, Rajasthan, Haryana, Delhi
2. Principal Secretary (Home) (Transport), Maharashtra

Subject: Overloading of Vehicles-W.P No. 136/2003 in the matter of Paramjit Bhasin and Ors. vs. UOI and Ors.

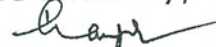
Sir,

I am directed to say that this Department has been receiving representations from various transport organisations alleging continuance of the offence of overloading despite Hon'ble Supreme Court's order in the above mentioned writ petition. Copies of the representations are enclosed.

2. Your attention is invited to this Departments' letters of even no. dated 14th November, 2005 and 24th January, 2006. Hon'ble Supreme Court in its judgement dated 9.11.2005 has categorically held that the excess load detected needs to be offloaded, apart from levying fine/compounding fee, before allowing vehicle to proceed further with permissible loads.

3. You are requested to ensure compliance of the above order of Hon'ble Supreme Court.

Yours faithfully,


(Ramu Gupta)

Under Secretary to the Government of India

Encl: as above

ok
issued with Encl.
1-2-06



Government of India
Ministry of Shipping, Road Transport & Highways
Department of Road Transport & Highways

Transport Bhawan
Parliament Street,
New Delhi-110001.

No. RT-16031/6705-T

Dated: 24th January, 2006

To

The Transport Secretaries of
All States and UTs.

Subject: Overloading of Vehicles-W.P No. 136/2003 in the matter of
Paramjit Bhasin and Ors. vs. UOI and Ors.

Sir,

I am directed to say that this Department has been receiving representations from various transport organisations alleging continuance of the offence of overloading despite Hon'ble Supreme Court's order in the above mentioned writ petition.

2. In this context attention is invited to this Department letter of even no. dated 14th November, 2005, wherein, a copy of the order of Hon'ble Supreme Court was sent. Hon'ble Supreme Court in its judgement dated 9.11.2005 has categorically held that the excess load detected needs to be offloaded, apart from levying fine/compounding fee, before allowing overloaded vehicle to proceed further.

3. You are requested to ensure compliance of the above order of Hon'ble Supreme Court.

Yours faithfully,


(Ramu Gupta)

Under Secretary to the Government of India

Handwritten notes:
PMS
1/9/2006
242
15/2/06

Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

F.No. RT-16031/05/2010-T

Transport Bhawan
1, Sansad Marg, New Delhi - 110001.
Dated : 6th July, 2010

To

- i) Principal Secretary(Transport) of all States/UTs except Tamil Nadu and Maharashtra
- ii) The Principal Secretary(Home/Transport), Tamil Nadu and Maharashtra.
- iii) The Transport Commissioner of all States/UTs

Subject:- Checking of overloading of motor vehicles.

Sir,

I am directed to say that as per Section 114 of the Motor Vehicles Act, 1988, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty under Section 194 and compounding fee under Section 200 before allowing the vehicle to proceed further.

2. Hon'ble Supreme Court in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) has upheld this provision and made it clear that the excess load in case of overloading has to be necessarily off-loaded before allowing further movement of the vehicle. The order of the Hon'ble Supreme Court has been brought to the notice of the States/UTs on a number of occasion for strict compliance to check overloading.

3. It is regretted to note that despite clear provisions in the Motor Vehicles Act, 1988, the instances of overloading are being reported from time to time. As you are aware, overloading causes significant damage to the roads and incur huge expenses on Exchequer to maintain the roads. Overloading is also one of the major causes for increase in number of road accidents.

4. In the light of above, you are requested to instruct the enforcement authorities of your State to implement the provisions of the Motor Vehicles Act, 1988 and comply with the directions of the Hon'ble Supreme Court to check the menace of overloading. Action taken in this regard may be intimated to this Ministry.

Yours faithfully,


(Anand Prakash)
Director(RT)
Tel: 23719097

o/c

Issued.

26/7/10.

Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

F.No. RT-16031/05/2010-1

Transport Bhawan, 1, Sansad Marg,
New Delhi, Dated : 23rd Aug, 2010

To

The Principal Secretary (Transport),
Transport Department,
Rajasthan Secretariat,
Jaipur-302001.

Subject:- Checking of overloading of motor vehicles.

Sir,

It has been brought to the notice of this Ministry that Rajasthan Government has allegedly issued a notification permitting overloading of trucks by levying penalty for carrying load beyond the prescribed load limit. This gives an impression that overloading of vehicle is permitted on payment of certain fee which demeans efforts of the Govt for checking overloading of vehicles.

2. As per Section 114 of the Motor Vehicles Act, 1988, in case, a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty under Section 194 and compounding fee under Section 200 before allowing the vehicle to proceed further. Hon'ble Supreme Court made it clear in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) that the excess load in case of overloading has to be necessarily off-loaded before allowing further movement of the vehicle besides levy of penalty/compounding fee.
3. The Ministry have been issuing necessary instructions from time to time in this regard. The last instruction in the series has been issued vide this Ministry's letter of even number, dated 6th July, 2010
4. You are requested to look into the matter and arrange to withdraw such notification, if any, issued by Govt. of Rajasthan and comply with the direction of Hon'ble Supreme Court to check overloading of motor vehicle. Action taken in this regard may be intimated to this Ministry.

Yours faithfully,


(Anand Prakash)
Director(RT)
Tel: 23719097

o/c

Issued.

25/8/10



5 Nov. 26(2)

51

रामिन्द्र सिंह गुजराल
R. S. GUJRAL

सचिव
SECRETARY
भारत सरकार
GOVERNMENT OF INDIA
सड़क परिवहन और राजमार्ग मंत्रालय
MINISTRY OF ROAD TRANSPORT & HIGHWAYS

D.O. No. RT&H- 16031/05/2010-T

Dated 3rd February, 2011

Dear Sh. Chandramohan,

I am writing this letter to you in the context of overloading of goods vehicles. This Ministry has all along been writing to the States for strict enforcement of the provisions of law to check overloading. Hon'ble Supreme Court has also expressed its concern in this regard. Though certain States have taken concrete measures in this regard and have been successful to a great extent, the practice of overloading, however, still continues in various parts of the country.

2. It is needless to emphasize that overloading badly damages the precious road infrastructure. Studies show that the damage caused to the roads due to overloading is governed by 4th power law. If the payload is two times the specified limit, the damage caused is sixteen times. Overloaded vehicles are also dangerous from safety point of view, not only for the vehicles but for other road users too. Besides, overloading increases fuel consumption and also the level of pollution. As such, under no circumstances we can afford to allow overloaded vehicles to ply on road.

3. Overloading is an offence under the Motor Vehicles Act, 1988. The Act also makes penal provisions to deal with the offence. The enforcement authorities are well aware of these provisions. I need not reiterate the same. I would, however, like to highlight that the law mandates necessary off loading of excess load before compounding the offence and allowing further movement of the vehicle. The offence is compounded without off loading the excess load and thus in practice overloading continues. The need of the hour is that overloading must be stopped in all circumstances and against all odds. States would need to find out the ways and means to handle the situation.

4. I would also like to bring it to your notice that the Government of Bihar has recently invoked the "Prevention of Damage to Public Property Act, 1984" to curb the menace of overloading. I am given to understand that this has proved to be a deterrent in checking the tendencies to overload. You may like to examine the provisions of this Act and may take appropriate decision.

5. In the light of the above, I would request you to instruct the enforcement authorities of your State to take all possible steps in the right earnest so that we could successfully wipe out the practice of overloading.

With kind regards,

Yours Sincerely,

(R.S. GUJRAL)

Shri R. Chandramohan,
Chief Secretary,
Union Territory of Puducherry,
Puducherry.

& All other chief secretaries of states and Administrators of U.Ts.

OC Issued: 2/2/11

13607
Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

110

F.No. RT-16031/05/2010-T

Transport Bhawan
1, Sansad Marg, New Delhi – 110001.
Dated : 4th May, 2011

To

- i) Principal Secretary(Transport) of all States/UTs
(except Tamil Nadu, Maharashtra, Jharkhand, Arunachal Pradesh and Haryana).
- ii) The Principal Secretary(Home/Transport), Tamil Nadu and Maharashtra.
- iii) The Transport Commissioner of all States/UTs

Subject:- Checking of overloading of motor vehicles.

Sir,

I am directed to say that instructions are issued by this Ministry from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. The last communication in this regard was sent by Secretary, Ministry of Road Transport and Highways to all the Chief Secretaries of State Governments/UT Administrations on 03.02.2011.

2. As already emphasized earlier, overloading badly damages the precious road infrastructure and incur huge expenses on the exchequer to maintain the roads. It is also one of the major causes for increase in number of road accidents. Hon'ble Supreme Court has also taken a very serious view on the practice of overloading.

3. In the light of the above, you are requested to instruct the enforcement authorities of your State to check the practice of overloading. **You are also requested to intimate "Action Taken" in this regard to this Ministry urgently.**

Yours faithfully,


(Anand Prakash)
Director(RT)
Tel: 23719097

574
Issued.

20.11.4/2/09

Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

F.No. RT-16031/05/2010-T

159

Transport Bhawan
1, Sansad Marg, New Delhi - 110001.
Dated : 23rd June. 2011

To

- ii) Principal Secretary(Transport) of all States/UTs
(except Arunachal Pradesh, Haryana, Jharkhand, Tamil Nadu and Maharashtra)
- ii) The Principal Secretary(Home/Transport) of States of Tamil Nadu and Maharashtra.
- iii) The Transport Commissioners of all States/UTs
- Rajasthan, Manipur, Punjab, Delhi*

Subject:- Checking of overloading of motor vehicles.

Sir,

I am directed to refer to this Ministry's letter of even number dated 4th May, 2011 and to say that this Ministry has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. The last such communication was sent from Secretary, Ministry of Road Transport and Highways to all the Chief Secretaries of State Governments/UT Administrations on 03.02.2011. However, the measures taken by States/UTs have not been very effective so far to curb overloading by the vehicles.

2. As emphasized earlier, overloading badly damages the precious road infrastructure and incur huge expenses on the exchequer to maintain the roads. It is one of the major causes for increase in number of road accidents. Hon'ble Supreme Court has also taken a serious view on the practice of overloading.

3. In the light of the above, you are once again requested to instruct the enforcement authorities of your State/UT to check the practice of overloading. **"Action Taken" in this regard may be intimated to this Ministry on priority.**

Yours faithfully,

Dr

(Nandan Singh)

Dy. Secretary to the Government of India

Tel: 23321729

OK

*Issued
23/6/11*



नितिन र. गोकर्ण

NITIN R. GOKARN, I.A.S

Joint Secretary

E-Mail : nr.gokarn@nic.in

Ph.: 23753991

Fax: 23753992

सड़क परिवहन और राजमार्ग मंत्रालय

MINISTRY OF ROAD TRANSPORT & HIGHWAYS

1, संसद मार्ग/1, PARLIAMENT STREET

परिवहन भवन/PARIVAHAN BHAWAN

नई दिल्ली-110001, NEW DELHI-110001

F.No. RT-16031/05/2010-TDated : 5th August, 2011

Please refer to letter of even number dated 03.02.2011 from Secretary, Ministry of Road Transport and Highways to Chief Secretaries of all the State Governments/UT Administrations requesting them to instruct the enforcement authorities in State/UT to check the practice of overloading. States/UTs were also requested to send Action Taken in this regard. A response from your State/UT is still awaited despite reminders sent on 04.05.2011 and 23.06.2011.

2. You may be agree that overloading badly damages the precious road infrastructure, incur huge expenses on the exchequer to maintain the roads and it is one of the major causes for increase in number of road accidents. As per Section 114 of the Motor Vehicles Act, 1988, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty and compounding fee before allowing the vehicle to proceed further. Hon'ble Supreme Court in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) has also upheld this provision. Therefore, Ministry of Road Transport has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. However, the measures taken by States/UTs so far have been observed not very effective to curb overloading by the vehicles.

3. In the light of the above, I shall once again request if you could instruct the enforcement authorities in your State/UT to check the practice of overloading and arrange to send the action taken report to this Ministry on priority in the next one week.

Yours sincerely,

Nitin

(Nitin R. Gokarn)

o/c

To

Principal Secretary(Transport) of all States/UTs
(except Andhra Pradesh, Arunachal Pradesh, Bihar, Chandigargh, Delhi, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Rajasthan, Manipur, Maharashtra, Punjab, Tamil Nadu).

Issued
6/8/11
8/8/11

8-6-11 (2)

Urgent
4th Reminder

Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

208

F.No. RT-16031/05/2010-T

Transport Bhawan
1, Sansad Marg, New Delhi - 110001.
Dated : 13th September, 2011

To

The Secretary (Transport)/Transport Commissioners of
Andaman & Nicobar Island, West Bengal, Gujarat, Orissa, Sikkim, Assam,
Chhattisgarh, Dadra Nagar Haveli & Daman & Diu, Jammu & Kashmir,
Lashadweep, Meghalaya, Nagaland, Puducherry, Uttrakhand,
Tamil Nadu and Maharashtra

Subject:- Checking of overloading of motor vehicles.

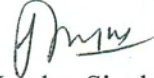
Sir,

I am directed to refer to this Ministry's letter of even number dated 03.02.2011 and subsequent reminders dated 4.5.2011, 23.06.2011 & 5.8.2011 and to say that this Ministry has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. The action taken report has not been received from your State/UT

2. As you aware, overloading badly damages the precious road infrastructure and incur huge expenses on the exchequer to maintain the roads. It is one of the major causes for increase in number of road accidents. Hon'ble Supreme Court has also taken a serious view on the practice of overloading.

3. In the light of the above, you are once again requested to instruct the enforcement authorities of your State/UT to check the practice of overloading. **"Action Taken" in this regard may be intimated to this Ministry without further delay.**

Yours faithfully,



(Nandan Singh)

Dy. Secretary to the Government of India

Tel: 23718574

E mail: nandan.singh@nic.in

sued.

14/9/11.

223

MOST IMMEDIATE / BY SPEED POST
REMINDER-V

Government of India
Ministry of Road Transport and Highways
(Road Transport Division)

Transport Bhawan,
1, Parliament Street, New Delhi
Dated the 17TH October, 2011

F.No. RT-16031/05/2010-T

To

Principal Secretaries / Secretaries (Transport) of States/UTs

States : Assam, Goa, Haryana, Jammu & Kashmir, Meghalaya, Nagaland, Uttarakhand,
Sikkim, Tamil Nadu and West Bengal

UTs: Andaman & Nicobar Island, Dadra & Naga Haveli, Daman & Diu, Lakshadweep,
Puducherry,

Subject : Checking of overloading of motor vehicles – non receipt of Action Take
Report regarding.

Sir,

I am directed to refer to this Ministry's letter of even number dated 03.02.2011 from Secretary, Ministry of Road Transport and Highways to Chief Secretaries of all the State Governments/UT Administrations requesting strict compliance to check the practice of overloading. States/UTs were also requested to send Action Taken in this regard. A response from your State/UT is still awaited despite reminders sent on 04.05.2011, 23.06.2011, 05.08.2011 and last on 13.09.2011.

2. As you are aware, overloading badly damages the precious road infrastructure, incur huge expenses on the exchequer to maintain the roads and it is one of the major causes for increase in number of road accidents. As per Section 114 of the Motor Vehicles Act, 1988, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty and compounding fee before allowing the vehicle to proceed further. Hon'ble Supreme Court in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) has also upheld this provision. Therefore, Ministry of Road Transport has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. However, the measures taken by States/UTs so far been observed not to be very effective to curb overloading by the vehicles.

3. In view of above, you are once again requested to make suitable provisions for checking of overloading of vehicles and instruct the enforcement authorities in your State/UT to check the practice of overloading and also arrange to send the action taken report to this Ministry on priority.

Yours sincerely,

Nitin

(Nitin R. Gokarn)

Joint Secretary (Transport)

Tele No. 23753991

Fax No 23753992

Email: nr.gokarn@nic.in

O/c
Issued.

MOST IMMEDIATE
REMINDER-VI

Government of India
Ministry of Road Transport and Highways
(Road Transport Division)

Transport Bhawan,
1, Parliament Street, New Delhi

Dated the 23rd December, 2011

F.No. RT-16031/05/2010-T

To

Principal Secretaries / Secretaries (Transport) of States/UTs

States : Assam, Goa, Haryana, Jammu & Kashmir, Nagaland, Sikkim, Tamil Nadu and
West Bengal

UTs: Andaman & Nicobar Island, Lakshadweep, Puducherry,

**Subject : Checking of overloading of motor vehicles – non receipt of Action Take
Report regarding.**

Sir,

I am directed to refer to this Ministry's letter of even number dated 03.02.2011 from Secretary, Ministry of Road Transport and Highways to Chief Secretaries of all the State Governments/UT Administrations requesting strict compliance to check the practice of overloading. States/UTs were also requested to send Action Taken in this regard. The Action Taken / Proposed Report from your State/UT is still awaited despite half a dozen reminders sent by this Ministry and last on 17.10.2011.

2. As you are aware, overloading badly damages the precious road infrastructure, incur huge expenses on the exchequer to maintain the roads and it is one of the major causes for increase in number of road accidents. As per Section 114 of the Motor Vehicles Act, 1988, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty and compounding fee before allowing the vehicle to proceed further. Hon'ble Supreme Court in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) has also upheld this provision. Therefore, Ministry of Road Transport has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. However, the measures taken by States/UTs so far have been observed not very effective to curb overloading by motor vehicles in your State.

3. In view of above, you are once again requested to kindly give the above matter due priority, make suitable provisions for checking of overloading of vehicles and instruct the enforcement authorities in your State/UT to check the practice of overloading and also arrange to send the action taken report to this Ministry on priority.

Yours sincerely,

Nitin

(Nitin R. Gokarn)

Joint Secretary (Transport)

Tele No. 23753991

Fax No. 23753992

Email: mr.gokarn@nic.in

OK

Issued.

307
IMMEDIATE

Government of India
Ministry of Road Transport and Highways
(Road Transport Division)

Transport Bhawan,
1, Parliament Street, New Delhi
Dated the 12th December, 2011

No. RT-16031/05/2010-T

To

✓ **Shri Deepak Upreti,**
Principal Secretary & Commissioner
(Transport),
Government of Rajasthan,
Secretariat Jaipur. 302001
(Fax: 0141-2740177)

✓ **Shri S.K. Joshi**
Commissioner (Transport),
Transport Department,
Government of Haryana,
Chandigarh 160001

✓ **Shri R. Chandramohan**
Principal Secretary & Commissioner
(Transport)
Government of National Capital Territory
of Delhi
5/9 Under Hill Road
Delhi - 110054 (Fax: 011-23933069)

Subject : Checking of overloading of motor vehicles coming from Rajasthan – Strict Action regarding.

Sir,

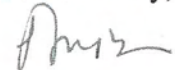
I am directed to enclose a copy of email dated 23/24.11.2011 received from Shri Siddharth, New Delhi on the subject cited above.

2. As you are aware, overloading badly damages the precious road infrastructure, incur huge expenses on the exchequer to maintain the roads and it is one of the major causes for increase in number of road accidents. Due to overloading, there is a huge loss of Government revenue in the form of taxes. Suitable punitive measures have been provided in Section 114 of the Motor Vehicles Act, 1988. If a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty and compounding fee before allowing the vehicle to proceed further. Hon'ble Supreme Court in its order dated 09.11.2005 in the matter of Shri Paramjit Bhasin and Ors vs UOI & Ors (WP No. 136/2003) has also upheld this provision.

3. In view of above, Ministry of Road Transport and Highways has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. However, lot of cases of overloading are still being reported in your States. You are, therefore, requested to kindly examine these cases and instruct the enforcement authorities in your State to check the practice of overloading and also arrange to send action taken report to this Ministry on priority.

Encl: as above

Yours sincerely,



(Nandan Singh)

Deputy Secretary to the Government of India.

Telefax: 011 – 23718574.

E – mail: nandan.singh@nic.in

Speed Book

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Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

F.No. RT-16031/05/2010-T

Transport Bhawan
1, Sansad Marg, New Delhi - 110001.
Dated : 12 January 2012

To

Chairman,
National Highway Authority of India,
Dwarka, New Delhi

Subject: Checking of overloading of motor vehicles by installing Weight Machines in National Highways near Toll Plazas - regarding.

Sir,

I am directed to say that this Ministry is in receipt of various references/representations/associations and individuals regarding overloading of Motor Vehicles in States/UTs Highways and National Highways.

2. As you are aware, overloading badly damages the precious road infrastructure and incurs huge expenses on the exchequer to maintain the roads and is also one of the major causes for increase in number of road accidents, Instructions have been issued to States/UTs by the Ministry of Road Transport & Highways from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles by States. A copy of letter dated 03/02/2011 from Secretary MoRTH to Chief Secretaries/Administrators of all states/UTs is enclosed for ready reference. Thereafter matter has been taken up with the states rigorously for expediting action. As a result, 24 States/UTs Governments namely, Arunachal Pradesh, Andhra Pradesh, Delhi Bihar, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Chhattisgarh, Jharkhand, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Madhya Pradesh, Manipur, Mizoram, Odisha, Punjab, Rajasthan, Tripura, Gujarat, Uttarakhand and Uttar Pradesh have reported to have taken action for curbing overloading in their respective States. However, several complaints are still being received stating that the rules on curbing overloading are not being strictly enforced by State agencies.

3. Hon'ble Supreme Court has also taken a serious view on the practice of overloading and in its judgment dated 9.11.2005 in W.P. No. 136/2003 in the matter of Paramjit Bhasin and Ors vs UOI & Ors, categorically held that the excess load detected needs to be offloaded, apart from levying fine/compounding fee, before allowing overloaded vehicle to proceed further. There is also suitable provision in section 114 of MV Act, 1988 to offload the excess load at the cost of driver/owner of the vehicle in case a vehicle is found to be overloaded in addition to penalty under Section 194 and compounding fee under Section 200 before allowing the vehicle to proceed further.

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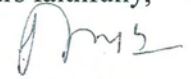
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4. The above matter relating to overloading was discussed during the NTDP meeting held on 15/12/2011 under the chairmanship of secretary (RT&H). It was deliberated that though the action on overloading need to be taken by States, yet, it may not be out of context to mention that National Highways, being 2% of the total roads, carry 80% of the cargo being plied, either destination to destination or partially. Therefore, NHAI should take some strict action against truckers overloading on National Highways which may prove a deterrent measure.

5. In light of the decision taken in the meeting of NTDP, you are requested to take necessary action for installing Weighing Machines and other necessary equipments near key Toll Plaza's as a pilot basis to curb the practice of overloading and take stringent measures to curb overloading. "Action Taken" in this regard may be intimated to this Ministry on priority. After six months, the position will be reviewed by this Ministry.

6. This issues with the approval of Secretary(RT&H).

Yours faithfully,



(Nandan Singh)

Dy. Secretary to the Government of India

Tele Fax : 23718574

Email: nandan.singh@nic.in

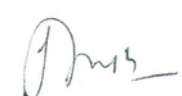


Copy for information and similar necessary action to :

1. Joint Secretary (Highways) MoRTH
2. Member (Technical), NHAI

Copy to:

1. Sr. PPS to Secretary(RT&H)
2. PPS to JS(T)



(Nandan Singh)

Dy. Secretary to the Government of India



Issued.

11/2012

भारत सरकार
सड़क परिवहन एवं राजमार्ग मंत्रालय
(टी अनुभाग)

मिसल संख्या - आर टी-16031/5/2010-टी

दिल्ली दिनांक 16/3/2012

सेवा में,

1. प्रधान सचिव (परिवहन)
परिवहन विभाग
उत्तर प्रदेश सरकार,
लखनऊ

2. परिवहन आयुक्त,
उत्तर प्रदेश, लखनऊ

विषय: पैसा लेकर अधिक लदान करवाने वाले के खिलाफ कारवाई करने के संबंध में

महोदय,

मुझे उपयुक्त विषय पर श्री एस. पी. पाण्डेय, गोरखपुर ट्रक ऑपरेटर एसोसिएसन एवं श्री कनिकराम वर्मा द्वारा प्राप्त पत्र की प्रति उचित कार्यवाही के लिए आपको प्रेषित करने का निर्देश हुआ है। पत्र के माध्यम से इस मंत्रालय को सूचित किया गया है कि आर. टी. ओ. एवं उनके द्वारा बनाए गए दलाल गाड़ियों को अवैध टोकन देकर अधिक लदान करवाने में सहायता कर रहे। इससे आर. टी. ओ. एवं उनके दलालों को करोड़ों की अवैध कमाई होती है जबकि सरकारी राजस्व को बड़े पैमाने पर नुकसान के अलावा सड़क टूटने से भी सरकारी राजस्व का नुकसान एवं सड़क दुर्घटनाओं की बेतहास वृद्धि हो रही है। वर्ष 2011 के सड़क दुर्घटनाओं के आंकड़ों के अनुसार उत्तर प्रदेश राजी में देश में सबसे अधिक दुर्घटनाएँ एवं जन माल की हानि दर्ज कि गई है। अवैध टोकन द्वारा हो रहे अधिक लदान को रोकने के संबंध में इस मंत्रालय द्वारा पूर्व में दिनांक 20.01.2012 को (प्रति संलग्न) उत्तर प्रदेश सरकार को आवश्यक कार्यवाही एवं जांच रिपोर्ट भेजे जाने हेतु लिखा गया था किन्तु कोई प्रतिउत्तर प्रपट नहीं हुआ।

उपरोक्त के आलोक में आपसे पुनः अनुरोध है कि उक्त मामले की उच्च स्तरीय जांच करा कर उचित कार्यवाही करने कि कृपा करें तथा कृत कार्यवाही से इस मंत्रालय को भी जल्द से जल्द अवगत कराये।

भवदीय
(नन्दन सिंह)
उप सचिव

सूचनार्थ प्रति : श्री एस. पी. पाण्डेय, गोरखपुर ट्रक ऑपरेटर एसोसिएसन, डी 159 , ट्रांसपोर्ट नगर, गोरखपुर

6/c

with encl.

Government of India
Ministry of Road Transport and Highways
(Parivahan Anubhag)

F.No. RT-16031/05/2010-T

Dated : 18th April, 2012

To

The Principal Secretary(Transport)/Secretary Transport of all States/UTs
(except the State of Jammu & Kashmir)

Subject:- Judgment of Hon'ble High Court of Punjab & Haryana in the CWP No. 483/2012-
Regarding checking of overloading of motor vehicles in States- Compliance of
directions of Hon'ble High Court regarding

Sir,

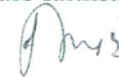
I am directed to enclose a copy of judgment of Hon'ble High Court dated 09.01.2012 in the matter of Shri Naveen Ghai and Others V/s State of Haryana and Others (WP No. 483/2012). Hon'ble High Court upheld the provision of Public Property Act, 1984 and made it clear that if over-loaded vehicle is permitted on the road then it results into violation of number of statutes. The policy contemplates initiation of criminal action under the Prevention of Damage to Public Property Act, 1984. A copy of Public Property Act, 1984 is also enclosed for ready reference.

2. As you are aware, the Ministry of Road Transport & Highways has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading of motor vehicles. In response 26 States/UTs (except Aasam, Goa, J&K, Hariyana, Nagaland, Tamil Nadu, West Bengal & UTs of Andaman Nikobar Island & Lakshdeep) have reported to have already taken action for curbing overloading in their respective states and enforcing the same. However this Ministry is still in receipt of a lot of references / complaints from transporters associations, individuals and stake holders that enforcement authorities in States in nexus with truck operators / carriers are allowing overloading. Due to which there is not only revenue losses to the States but also causes damage to road and precious life resulting in road accidents.

3. In the light of above, you are once again requested to instruct the enforcement authorities of your State to implement the provisions of Prevention of Damage to Public Property Act, 1984 and comply with the directions given by Hon'ble High Courts and Hon'ble Supreme Court (WP No. 136/2003, Shri Paramjit Bhasin and Ors vs UOI & Ors dated 09.11.2005) to check the menace of overloading. Action taken in this regard may be intimated to this Ministry. You are also requested to review the position from time to time and may consider random checking of enforcement authorities by a higher level team to check violation of these provisions by such authorities and take strict action in this regard.

Enclosures: as above

Yours faithfully,



(Nandan Singh)

Deputy Secretary to the Government of India

Telefax : 011-23718574

e-mail: nandan.singh@nic.in

o/c
Issued with encl.

19/4/2012

1001990/2012/US(T)

8/6/12



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Shipping, Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110 075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

एक्स. / Extn.: 2223 / 2318 / 2468 / 2553

NHAI/CM/Elect/WIM/2011//

8th June, 2012

Under Secretary
Ministry of Road Transport & Highways,
Transport Bhavan,
1, Parliament Street,
New Delhi

Kind Attn: Shri. D.S. Pathania

Sub: Installation of weigh-in-motion bridges ahead some key toll plazas on National Highways on pilot basis-reg.

Ref: RT-16031/05/2010-T(Vol-II) dated 24.05.2012

Sir,

With reference to your above cited letter, it is to inform you that six BOT/OMT projects have been identified for enforcement of overloading provisions of the concession agreement on pilot basis. Accordingly, instructions have been sent to the concerned ROs for ensuring compliance of the Concession Agreement and close monitoring of the enforcement by the concessionaire.

Information in this regard has already been conveyed to JS(T) vide letter ref. NHAI/ CM/ Elect/WIM/2011 dtd 16.05.2012. Copies of the letters sent to ROs and JS(T) are enclosed herewith.

Thanking you,

Yours Sincerely,

(R.C. Palekar)
GM(Electronics)

End: As above

1001990/2012/US(T)/T
13/6.



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Shipping, Road Transport and Highways)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110 075
G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200
फैक्स / Fax : 91-11-25093507 / 25093514
एक्स. / Extn : 2223 / 2318 / 2468 / 2553

NHAI/CM/Elect/WIM/2011/

16th May, 2012

Joint Secretary (Transport)
Ministry of Road Transport & Highways,
Transport Bhavan,
1, Parliament Street,
New Delhi

Kind Attn: Shri. Nitin Gokarn

Sub: Enforcement of provisions of Concession Agreement for curbing overloading of motor vehicles at Toll Plazas.

Ref: RT-16031/05/2010-T(pt-II) dated 19.04.2012

Sir,

This has reference to your letter cited above and the meeting held on 30.04.2012 regarding the subject.

Model Concession Agreements of BOT and OMT projects empower the Concessionaires not only to levy additional fee on overloaded vehicles but also prevent plying until the excess load is off-loaded. Model Concession Agreement further stipulates installation of Weigh-in Motion (WIM) Systems at approaches to each toll lane and provision of separate space for static weigh bridge and area for holding off-loaded goods.

Section 114 of Motor Vehicle Act – 1988 stipulates the responsibility, risk and cost of off-loading the excess load rests with the driver of the concerned vehicle.

As decided during the meeting, following BOT/OMT projects have been identified for enforcement of overloading provisions of the concession agreement on pilot basis.

Sl. No	Project details	Concessionaire	BOT / OMT
i	Six Laning of Belgaum-Dharwad Section of NH-4 KM 433.00 to KM 515.00 in the State of Karnataka	Ashoka Buildcon Limited	BOT
ii	Hyderabad- Yadgiri Section from km 18.600 to km 54.000 of NH-202 Andhra Pradesh	GKC Projects Limited.	BOT
iii	Six Laning of Dhankuni to Kharagpur Section of NH – 6 From Km. 17.600 to Km 129.000 in the State of West Bengal	Ashoka Buildcon Limited	BOT

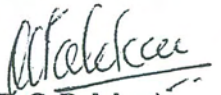
iv	Porbandar – Bhiladi – Jetpur section	Gujarat Construction Pratibha Co.	OMT (2)
v	Swaroopganj – Pindwara – Udaipur on NH-14	Prakash Asphaltting & Toll Highways	OMT (4)
vi	Baran – Shivpuri – Jhansi on NH-25	Prakash Asphaltting & Toll Highways	OMT (5)

Concerned ROs have been informed to ensure compliance of provisions of overloading prevention of the Concession Agreement and requested to initiate necessary steps to have joint operation with the State authorities to curb overloading menace on National Highways.

Submitted for kind information please.

Thanking you,

Yours Sincerely,


(R.C. Palekar)
GM(Electronics)