

No.CI/18050/TC/2000

Head office,
Motor Vehicles Department,
Thiruvananthapuram, Date:- 17.8.2001

CIRCULAR NO.9/2001

Sub:- Motor Vehicles Act and Rules - Measures to restrict the practice of overloading in Goods Vehicles - Instructions issued - reg.

Ref:- Government Letter No.6069/B1/2000/Tran dated 3.5.2000 from Transport(B) Department.

It has been brought to notice that Goods Vehicles registered in States like Nagaland and Hariyana, in violation of Government of India No.S.O.728 (E) dated 18.10.96 are plying on our state by carrying excess load than what is permissible as per rules in force. It is also reported that several goods vehicles belonging to the residents of Kerala are being registered in Nagaland & Hariyana in order to take advantage of the above mentioned malpractice. This has been brought to the notice of the Government of Hariyana and Nagaland as per Government letter referred above stating that permits issued to such vehicles which are registered by showing excess gross, vehicle weight will not be honoured in Kerala. But the practice is seen continuing unabated, inspite of the instructions issued in the matter. If this practice is allowed it will result in erosion of revenue which would have accrued to the state Government. Another consequence of the same is the damage to the roads of Kerala. There is also possibility of increase in road accidents.

In order to effectively proceed against the vehicles which are registered outside state in violation of Government of India notification No.S.O.728(E) dated 18.10.96 fixing safe axle weight to different class of vehicles, all officials of the department are directed to strictly implement the provisions of Section 113, 114 and 194 of the Motor Vehicles Act 1988. As suggested in the Government of India letter No. RT 11036/25/2000 MVD dated 27th March 2000 the following steps have to be taken against the Registered Owners of motor vehicles, which are found carrying excess load.

Step I - The excess load of the Motor Vehicles may be off loaded at the risk of the owner/driver of the Motor Vehicles as per Section 113 of the Motor Vehicles Act 1988.

Step II - Penalty on over loaded vehicles are to be imposed as per section 194 of the Motor Vehicles Act., 1988.

You may in the alternative to step II, report to Section 200 of M.V.Act and compound the offences. All Officers are expected to understand the spirit behind these instructions and ensure that the directions are effectively implemented so that the interest of public and state are protected.

Receipt of the circular is to be acknowledged.

Sd/-
K.P.Somarajan, IPS.
Transport Commissioner.