

No. C1/15059/TC/2010

Transport Commissionerate,  
Kerala,,Thiruvananthapuram,  
Dated, 04-08-2010.

From

The Transport Commissioner,  
Thiruvananthapuram.

To

All Deputy Transport Commissioners  
All Regional Transport Officer  
All Joint Regional Transport Officers

Sir,

Sub: - Motor vehicles Department – Checking of overloading of  
Motor Vehicle stringent action – reg.

Ref:- Letter No.RT-16031/05/2010-T dated 06.07.10 of  
Government of India.

Vide reference cited the Central Government have directed to take  
stringent and sincere efforts to curb the practice of overloading.

As per section 114 of the Motor Vehicle 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. In this regard it is also informed that the Hon'ble Supreme Court have  
upheld this provision in WP(C ) 136/2003 ( Shri Paramjit Bhasin and others Vs.  
UOI & others) 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. It  
may be noted that the order of the Hon'ble Supreme Court has to be adhered  
strictly in its true sense.

In the letter the Central Government have noticed that inspite of  
clear-cut provision in the Motor vehicles Act, 1988 the instances of overloading  
are being reported from time to time. The Central Government remind that in  
addition to being one of the major causes in increasing the number of road  
accidents, overloading causes significant damage to the roads and incur huge  
expenses on exchequer to maintain roads.

In these circumstances, you are directed to implement the provisions  
regarding overloading in the Motor vehicles Act 1988 and comply with the  
directions of the Hon'ble Supreme Court and the Central Government in this  
regard.

Yours faithfully,  
Sd/-

Senior Deputy Transport Commissioner,  
(Taxation)  
For Transport Commissioner

Approved for issue

Senior Superintendent

11/8/10  
10/8/10