

C1/25998/TC/2006

Transport Commissionerate
Trans Towers,Vazhuthacaud
Thiruvananthapuram.
Dated: 31-07-2007.

From

The Transport Commissioner
Thiruvananthapuram.

To

All Deputy Transport Commissioners
Regional Transport Officers
Joint Regional Transport Officers.

Sub : - Motor Vehicles Department - Overloading of Trucks despite Supreme Court Order -Direction issue reg.

Ref : - 1. Government letter No.11136/B2/06/Tran Dated 01-11-2006.
2. Representation by All India Confederation of Goods Vehicles owner's Association before Government.

It is brought to notice that some field officers are allowing the overloaded vehicles to proceed after collecting the compounding fee for over load without off loading the excess load. It is clear violation of the Provisions under sections 113 and 114 of Motor Vehicles Act 1988 and the directions contained in the circular Nos. 28/98, 1/99, 9/2001 and 2/2003 issued by Transport Commissioner.

Section 114 clearly states that if a vehicle is found to be over loaded, the checking officer may by order in writing direct the driver to off-load the excess weight at his own risk and not to remove the vehicle or trailer from that place until the laden weight has been reduced of the vehicle or trailer has otherwise been dealt with so that it complies with section 113 and on receipt of such notice, the driver shall comply with such direction.

The practical difficulty prevailing in implementing the existing law is that there will not be any facility including men to unload the trucks at the place of check. In this circumstance it is directed that checking officers shall issue a notice in writing to the driver of such vehicle directing him not to proceed the vehicle until the laden weight is reduced and the vehicle complies with the Provisions under section 113 of MV act. They will also impound the records of the vehicle and the licence of the driver which shall be returned only after complying with the direction. All the Registering authorities are directed to comply with the direction strictly. Any slackness in this regard will be viewed seriously.

Yours faithfully,
Sd/-
Transport Commissioner