

No. RT-11036/07/2022-MVL
Government of India
Ministry of Road Transport and Highways

**Transport Bhawan, 1 Parliament Street,
New Delhi-110001.**

Dated, the 9th May, 2023.

To

The Transport Commissioner/Principal Secretary (Transport)
All States/UT Government

Sub: Strict implementation of provisions of Central Motor Vehicles Act, 1988 related to overloading of vehicles- reg.

Sir,

I am directed to say that overloading of trucks is one of the key causative agents of accidents and it results in distortion of the market leading to poor freights, compromises the safety of other road users, damages the public property, pollutes the environment and erodes the revenue of exchequer.

2. Overloading of vehicles is a clear violation of

- i. Section 113, Section 113 (3), Section 114 and Section 194 of the Central Motor Vehicles Act, 1988.
- ii. Prevention of Damage to Public Property Act, 1984.
- iii. Contempt of Hon'ble Supreme Court judgment on overloading issued on November 9, 2005 on Writ Petition (Civil) No. 136 of 2003.
- iv. Section 199 of Central Motor Vehicles Act, 1988 that makes Consigner, Consignee, Transporter, Trucker accountable for perpetrating the criminal offence and they all be equally penalized.

3. You are therefore, requested to ensure strict implementation of the provisions of Central Motor Vehicles Act, 1988 and order of Hon'ble Supreme Court judgment on overloading issued on November 9, 2005 on Writ Petition (Civil) No. 136 of 2003(Copy Enclosed).

Encl. as above

Yours faithfully,


(S. K. Geeva)

Under Secretary to the Govt. of India

Tele: 23739074

e-mail: geeva.sk@nic.in

Copy to (For Information):

Sh. Amritlal Madan

President, AIMTC

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Shri Nitin Gadkari
Hon'ble Union Minister
Ministry of Road Transport & Highways
Government of India
Transport Bhawan, Parliament Street, New Delhi - 110001

Sub.: Request for Advisory to All States / UTs to check overloading by strict implementing provisions of MV ACT, 1988

Respected Sir

You are kindly aware that one of the key causative agents of accidents has been Overloading of trucks, which we as the apex body of the road transport fraternity of India, too are dead against. But the reality is that Overloading is rampant. Major accidents are taking place in the region and elsewhere in the country because of overloading leading to loss of precious human lives.

We submit that arresting the alarming rate of road accidents has been a key concern, though many initiatives have been taken by the Government to arrest its ascend. This is largely due to lacunae in the system and collusive activity of the enforcement officials with the unscrupulous transporters, Consignors & Consignees.

We would like to bring to your kind notice about the rampant overloading by the consignors in collusion with the enforcement officials, who force the truckers and transporters to overload and make them succumb to their threats of loss of business.

The truckers and transporters are forced to overload to avoid harassment, extortion and loss of business. The Law Enforcers turn a blind eye to these nefarious activities citing their active collusion and once these vehicles are on road, they pound on them to extort money.

The overloading of trucks not only **DISTORTS THE MARKET** leading to poor freights, but also **COMPROMISE THE SAFETY OF OTHER ROAD USERS** but also **DAMAGE THE PUBLIC PROPERTY** and **POLLUTES THE ENVIRONMENT** besides **ERODING THE REVENUE OF THE EXCHEQUER**. The colossal national economic and social loss due to road accidents amounts to about 3% of the GDP.

We reiterate that the overloading must be banned and shunned in the most effective manner as it is clear violation of:

- i. Section 113, 113 (3), 114 and 194 of the MV ACT 1988,
- ii. Prevention of Damage to Public Property Act, 1984.
- iii. Contempt of Hon'ble Supreme Court judgment on Overloading issued on November 9, 2005 on Writ Petition (Civil) No. 136 of 2003.
- iv. Section 199 of MV ACT, 1988, that makes Consignor, Consignee, Transporter, Trucker accountable for perpetrating this criminal offence and they all be equally penalized.

Further, All-in-the-chain viz., trucker, transporter, consignor, consignee and the law enforcers (RTOs, Police etc) and Toll concessionaires from under whose jurisdiction the overloaded vehicles passes through, without off-loading of excess load must be held accountable and penalized.



ALL INDIA MOTOR TRANSPORT OWNERS
THE APEX ORGANISATION OF MOTOR TRANSPORT OPERATORS AFFILIATING STATE/REGIONAL ASSOCIATIONS
Official Journal "motor transport"

It is sad to state that **No** serious action is being taken in terms of off-loading the excess load or penalizing the Consignor / Consignee and the Transporter. It is in **DIRECT CONTEMPT OF HON'BLE SUPREME COURT ORDER.**

The Transport Fraternity of India is strongly advocating for a "ZERO-TOLERANCE Policy on OVERLOADING," urging the government to take decisive action against the rampant problem of overloading. They are calling for the state machinery to actively address this issue and implement stringent measures to combat corruption among officials who permit overloaded trucks in exchange for extortion money.

We look forward to directions with regard to the abovesaid from your august office to The Chief Secretaries / Principal Secretaries (Transport) / Transport Commissioners (All States / UTs) to strictly implement the provisions of **MV ACT, 1988**, especially that of **Section 199** which makes **Consignor, Consignee, Transporter, Trucker accountable for perpetrating this criminal offence and thus they all should be equally penalized.**

We look forward to an early response from your august office with a humble request for a copy of the advisory so requested.

Thanking you
Yours faithfully

Amritlal Madan
President
#9322656812

Dr G R Shanmugappa
Chairman
#9845018448

CC:

- 1) Sh Anurag Jain, IAS, Secretary to Government of India, Ministry of Road Transport & Highways, Transport Bhawan, Parliament Street, New Delhi
- 2) Sh Mahmood Ahmed, IAS, Addl. Secretary to Government of India, Ministry of Road Transport & Highways, Transport Bhawan, Parliament Street, New Delhi - 110001. Email: Mahmood.ahmed@nic.in
- 3) Sh. Piyush Jain, IDSE, Director (MVL), Ministry of Road Transport & Highways, Government of India, Transport Bhawan, New Delhi. Email - dirmvl-morth@gov.in

By/RT&H/043/2023-24

May 18, 2023

Sh. Nitin Gadkari
Hon'ble Union Minister
Ministry of Road Transport, Highways
Government of India
1, Transport Bhavan, Sansad Marg, New Delhi-110001.

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All India Motor Transport Congress

(An Apex Organization of Truckers, Transporters & Passenger Vehicle Operators)
Official Journal "Motor Transport"

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US MVU

29/05
20/05
Dr. P. K. Sharma