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MINISTRY OF SURFACE TRANSPORT

Transport Bhavan,
Parliament Street,
New Delhi. 110001.

No. RT 11036/25/2000-MVL

To
The Secretary (Transport) Transport Commissioners of all
State Governments/Union Territories.

Subject :- Problem of Overloading of transport vehicles-
implementation of the provisions of Motor vehicles
Act. 1938

Sir/Madam,

I am directed to say that this Ministry has been requesting the State Governments/UP Administrations from time to time to strictly implement the provisions of Motor Vehicles Act, 1938 (viz section 113, 114 & 194 of MV Act 1938) to restrict the practice of overloading of motor vehicles. This has been done with a view to maintain the National Highways/State Highways as well as to minimize the road accidents. However it is a matter of regret that these provisions are not being implemented by the State Governments in the right earnest. Some states are also using these provisions of imposing penalty on overloaded vehicles as a source of revenue. Very often the enforcement authorities of the State Governments compound the offence of overloading by way of invoking Section 200 of MV Act. 1938 and thereby legitimizing the carriage of excess load.

2. It is therefore requested that necessary instruction may be issued to all concerned so as to ensure strict implementation of Section 113, 114 & 194 of MV Act 1938. It is reiterated that the following steps may be followed while taking action on motor vehicle found with excess load:

- Step I :- The excess load of the motor vehicles may be off-loaded at the risk of owner/driver of the motor vehicle as per section 113 of MV Act 1938.
- Step II :- Penalty may be imposed as per section 194 of MV Act 1938.

Provision of section 200 of Motor Vehicles Act 1938 regarding compounding of the above offence may be invoked in the rarest of circumstances.

3. It is further requested that use of multi-axle vehicles for transportation of goods may be encouraged by the State Governments so as to curb the practice of overloading.

Yours faithfully,
Sd/-

HIMMAT SINGH
Director, (Road Transport)
Tel. no. 3714974

NO. 5319/N1/2000/EVM

Draft letter to TC is put up for
Approval. Sd/-

Encl. NO. C1/6855/TC/2000 dtd 23.5.2000

Copy forwarded to all DFCs, RTOs and JRTOs and MVIs of
Check posts with direction for ruthless implementation.

Approved for Issue

Sd/-
Senior DFC (Tax)
for Transport Commissioner.

Senior Superintendent.