

Copy of letter No.Rt-11042/5/2002/MVL dated 4<sup>th</sup> February, 2003 from Virendra Singh, Under Secretary to the Government of India, Ministry of Road Transport and Highways, Transport Bhawan, I, Parliament Street, New Delhi-110 001 addressed to Sri. K. Ganesan, Proprietor, Sri Balamurugan Lorry Transport, Bommiputtatvedu, Sellappampetty PO, Namakkal, Tamilnadu.

Subject:- Relaxation in GVW under Section 58 (3) of Motor Vehicles Act, 1988 in respect of your vehicles.

Sir,

I am directed to refer to your letter No. Nil dated 22.7.2002 on the subject noted above and to state that your application has been examined by this Ministry. In the light of the provisions of Motor Vehicles Act, 1988 and Central Motor Vehicles Rules, 1989 and relevant notifications showing the maximum permissible axle load/Gross Vehicle Weight, this Ministry is not able to grant the necessary exemption as sought by you in your application referred to above for the following reasons:-

- (v) Our roads are designed for a certain load bearing capacity and the Gross Vehicle Weight limits for vehicles have accordingly been fixed. The damaging effect of the load of vehicle is cumulative in nature. It increases exponentially with the increase in axle load. Therefore, running vehicles with higher loads leads to premature distress/failure of the road pavements. Bad roads entail higher vehicle operating costs, increased safety hazard and higher public expenditure in road maintenance.
- (iii) Powers under Section 58(3) of Motor Vehicles Act, 1988 is being exercised by the Central Government occasionally for the movement of over dimensional cargo which generally operates as tractor-trailer combination and not for carrying cargo routinely. A number of conditions/restrictions are invariably attached to the above permission for movement of vehicles which includes permission of the State authorities for each movement, arranging for ferry-crossing in case of sensitive bridges and speed limitations prescribed by the PWD of States/Uts concerned as also liability for damages to public structures enroute etc.
- (iv) Overloading on trucks is one of the causes of tyre bursts, frequent breakage of axle (ultimately resulting in fire also), failure of component/system in the vehicles and the cause of accident even on express highways. The huge population of more than 23 lakhs trucks in India are being operated by their owners in compliance with the GVW fixed by the Government of India. Any relaxation in your case would have consequent repercussions throughout.
- (v) The Hon'ble High Court of Kerala has upheld the validity of Rule 95 (2) of Central Motor Vehicles Rules, 1989 in their order in O.P.No.17706/2001.

The huge population of more than 23 lakhs trucks in India are being operated by their owners in compliance with the GVW fixed by the Government of India. Any relaxation in your case would have consequent repercussions throughout.

(v) The Hon'ble High Court of Kerala has upheld the validity of Rule 95 (2) of Central Motor Vehicles Rules, 1989 in their order in O.P.No.17706/2001.

2. It would, therefore, not be possible for Government of India to permit the vehicle operators to carry load, higher than the GVW permitted under Rule 95 (2) of Central Motor Vehicles Rules, 1989 on a regular scale.

Yours faithfully,  
Sd/-

(VIRENDRA SINGH)

Under Secretary to the Govt. of India.  
Tel. No.23711472

Copy to (1) Sri.K.P.Somarajan, Transport Commissioner, Government of Kerala, Transport Department, Thiruvananthapuram-695010.

(2) The Central Government Standing Counsel  
Smt.Bindu. K.Nair

Sd/-

(VIRENDRA SINGH)

Under Secretary to the Govt. of India.

Endt. No.CJ-45883/TC/02 dated 10.3.2003.

Copy forwarded to All DTC's, RTOs, Jt.RTOs & MVIs of all Check Post for information and necessary action.

Copy to:- CA to TC, JTC, Sr.DTC, Secy.STA, ATC, Asst.Secy., LO,FO,AO,SAO & SF, Spare.

  
For Transport Commissioner.

s.a.15.3.03