

Government of India
Ministry of Road Transport and Highways

Transport Bhawan,
1, Parliament Street,
New Delhi-110 001

No: RT-11042/5/2002-MVL

Dated the 13th October, 2003

To

Sh. Narayanan Embranthiri,
Proprietor,
M/S Kairali Granites,
N.H. Bye Pass, Adjacent to Hotel White Fort,
Maradu P.O., Kochi-682034,

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

Sir,

I am directed to refer to W.P.(C) No. 26134 Of 2003 filed by your firm before the Hon'ble High Court of Kerala at Ernakulam on the subject noted above. In the said petition there is a mention that your firm has submitted a representation dated 4-8-03 to this Ministry on the aforesaid subject. This is to place on record that as on date this Ministry has not received this said representation from you.

We have, however, received WP(C) No. 26134 of 2003 , wherein you have claimed at Annexure P-6 that you had sent this representation to this Ministry. The representation attached with the above petition as Annexure P-6 have nevertheless been examined in this Ministry.

3. In the light of the provisions of the Motor Vehicles Act, 1988, the 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 representation referred to above for the following reasons:-

- (i) 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.
- (ii) It is further stated that powers under Section 58 (3) of the Motor Vehicles Act, 1988 are being exercised by the Central Government occasionally for the movement of overdimensional cargo which generally operates as Tractor - Trailer combination on a case to case basis and not for routine carrying of cargo. A number of conditions/ restrictions are invariably

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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 en route etc.

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(iii) You have mentioned that in Nagaland Trucks are registered with a higher GVW. You may like to bring specific cases to knowledge of Central/State Govts., to enable them to take appropriate action.

(iv) Overloading on trucks/dumper is one of the causes of tyre bursts, frequent breakage of axle, failure of component/control system in the vehicles and consequent accident on roads including Highways..

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(v) 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 a single case would have consequent repercussions throughout. As such each case is being judged on its merit.

(vi) It may be noted that for three axles Truck and three axles Trailers combination with 22 tyres, the maximum permissible GVW as per notification No. S.O. 728 (E) dt. 18-10-96 was 44 tons only. Subsequently, keeping in view the higher loading capacity of Volvo make vehicles the maximum permissible GVW was increased from 44 tons to 49 tons vide notification No. S.O. 517 (E) dated 26-5-2000.

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

4. It is therefore regretted that in view of foregoing Para (3) above, it would not be possible to permit your vehicle to carry loads higher than the GVW permitted under Rule 95 (2) of Central Motor Vehicles Rules, 1989 on a regular scale.

Yours faithfully,


(VIRENDRA SINGH)

Under Secretary to the Govt. of India
Tel. No.2371/472

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