

## **BRIEF NOTE ON OVERLOADING AND ACTION TAKEN / PROPOSED BY MINISTRY OF ROAD TRANSPORT & HIGHWAYS**

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As per reports, overloading badly damages the precious road infrastructure, incurring huge expenses on the exchequer to maintain the roads and is one of the major causes for increasing number of road accidents. As per Section 114 of the Motor Vehicles Act 1988, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owner of the vehicle in addition to penalty and compounding fee before allowing the vehicle to proceed further. Hon'ble Supreme Court in its judgment dated 9.11.2005 in W.P. No. 136/2003 in the matter of Paramjit Bhasin and Ors vs UOI & Ors has categorically held that the excess load detected needs to be offloaded, apart from levying fine/compounding fee, before allowing overloaded vehicle to proceed further.

2. Road transport being a State subject the responsibility for curbing the overloading of vehicles primarily rests with the State Governments. However, realizing the seriousness of the problem, the Ministry of Road Transport & Highways has been emphasizing States/UTs from time to time for strict enforcement of the provisions of law to check the menace of overloading

3. The matter was taken up by MORTH after the Hon'ble Supreme Court Judgement dated 9.11.2005 with States/UTs on several occasions on 14.11.2005, 24.01.2006, 10.03.2006, 06.07.2010. Secretary (RT&H) sent a letter to all the Chief Secretaries of State Governments/UT Administration on 03.02.2011 requesting them to instruct the enforcement authorities in State/UT to check the practice of overloading and send "Action Taken Report". Thereafter, reminders were sent on 04.05.2011, 23.06.2011, 05.08.2011, 14.09.2011, 17.10.2011, 23.12.2011, 18.04.2012 for expediting action.

4. In response, 26 State/UT Governments namely Arunachal Pradesh, Andhra Pradesh, Delhi, Bihar Chandigarh, Goa Dadra & Nagar Haveli, Daman & Diu, Chhattisgarh, Jharkhand, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Meghalaya, Madhya Pradesh, Manipur, Mizoram, Odisha Punjab, Puducherry, Rajasthan, Tripura, Gujarat, Uttarakhand and Uttar Pradesh have reported to have initiated action for curbing overloading in their respective States/UTs.

5. The overloading issue was also discussed in National Transport Development Policy Committee (NTDPC) meeting held on 15.12.2011 under the chairmanship of Secretary (RT&H). It was deliberated that National Highways being 2% of the total roads, carry 80% of the cargo being plied, either destination to destination or partially. Therefore, NHAI should take strict action against truckers overloading on National Highways which may prove a deterrent measure. NHAI was asked to take necessary action for installation of Weigh-in-motion bridges and other necessary equipments near key Toll Plaza's on a pilot basis to curb overloading.

