

Government of Jammu & Kashmir
OFFICE OF THE TRANSPORT COMMISSIONER, /CHAIRMAN
STATE TRANSPORT AUTHORITY, J&K, SRINAGAR.

Sub: Off-loading of Excess Weight from overloaded Goods Carriage Vehicles-
compliance of the orders of the Hon'ble Supreme Court.

PUBLIC NOTICE

The overloading badly damages the precious road infrastructure. Studies show that if the payload is two times the specified limit, the damage caused is sixteen times. Overloaded vehicles are also dangerous from safety point of view, not only for the vehicles but for other road users too. Besides, overloading increase fuel consumption and also the level of pollution and is possibly one of the major causes of Traffic jams due to slow movement of vehicles. The need of the hour is that overloading must be stopped in all circumstances and against all odds.

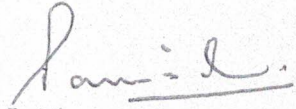
Overloading is an offence under the Motor Vehicles Act, 1988. As per section 114, in case a vehicle is found to be overloaded, the excess load needs to be off-loaded at the cost of the driver/owners of the vehicle in addition to penalty under Section 194 and compounding fee under Section 200 before allowing the vehicle to proceed further. Hon'ble Supreme Court of India in the matter of Shri Paramjit Bhasin and Ors V/S UOI & Ors (WP No. 136/2003) has made it clear that the excess load in case of overloading has to be necessarily off-loaded before allowing further movement of the Vehicle. The Central Motor Vehicles Act clearly stipulates that all the expenditure for weighment/loading/unloading/safe custody if required by the owner/transportation in another vehicle to reduce the weight to permissible value has to be born by the driver/owner of the defaulting vehicle. We have also to dispel the notion that there has to be only one challan for one offence in this case. The Hon'ble Supreme Court has clearly stipulated that if allowed it would amount to a continued offence. Thus if any vehicle is found to have cheated the authorities by carrying the extra load in another vehicle only for a small distance & then re-loaded it on the same vehicle it is again liable to penalties & off-loading as was done earlier.

In view of above Motor Vehicles Department (MVD) has initiated action for imposition of penalties mentioned above and off-loading of excess load where ever any vehicle is apprehended for the violation. The Department, apart from this action is also contemplating to use the provisions of suspension/cancellation of permits of the vehicles, licenses of the

.....Continued on 2nd page.....

...2nd page.....

drivers, and agents license of the goods agencies/consigners by the competent authority. All stake holders are requested to note that off-loading of excess load and transportation thereof in separate vehicles together with charge of penalties shall result in huge costs to them and possibly damage to the goods also. They are advised to ensure that only permitted quantity is loaded in the vehicles to avoid inconvenience and financial loss.


(P. I. Khateeb), IAS,
Transport Commissioner &
Chairman State Transport Authority,
J&K, Srinagar.

NO: TC/JK/MV/2015/5866-93

Dated: 05.10.2015

Copy to the:

01. Director General, Information Department, J&K Srinagar for information and with the request to kindly give wide publicity to the above notice through electronic and print media and publish the above notice in Leading Dailies (both English & Urdu) of Srinagar and Jammu for consecutive three days for the information of general public
02. Secretary to Govt., Transport Department, J&K Srinagar.
03. Inspector General of Police, Traffic, J&K Srinagar
04. Regional Transport Officer, Kashmir/Jammu and Kathua/All ARTOs for information and necessary action. They shall ensure wide publicity of this notice in their respective jurisdiction particularly to the Goods Booking & Forwarding Agencies/Truck Unions/Associations/Industrial Associations/Traders Associations and other stake holders.
05. President Jammu/Kashmir Chambers of Commerce for information
06. M/S.....for information.
07. Office file.