

**GOVERNMENT OF INDIA
SHIPPING, ROAD TRANSPORT AND HIGHWAYS
LOK SABHA**

UNSTARRED QUESTION NO:2057
ANSWERED ON:06.12.2005
PLYING OF OVERLOADED TRUCKS ON ROADS
Khanduri AVSM,Maj.Gen.(Retd.) Bhuwan Chandra

Will the Minister of SHIPPING, ROAD TRANSPORT AND HIGHWAYS be pleased to state:

- (a) whether the attention of the Government has been drawn to a news item captioned 'SC says no State notification can allow overloaded trucks on road' in The Times of India dated November 11, 2005;
- (b) if so, the facts thereof;
- (c) whether rules and instructions already exist regarding ban of overloaded trucks moving on the National Highways;
- (d) if so, the action taken by the Government during the last 18 months to prevent this; and
- (e) the further steps proposed to be taken by the Government after recent ruling of the Supreme Court on the subject?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS (SHRI K.H. MUNIYAPPA)

(a) & (b) Yes Sir. This Ministry is aware that Hon`ble Supreme Court in its judgment in the case No. W.P. 136 of 2003 in the matter of Shri Paramjit Bhasin and Others Vs the Union of India and others has ordered that ` It is indisputable that the power of compounding vests with the State Government, but the notification issued in that regard cannot authorize continuation of the offence which is permitted to be compounded by payments of the amounts fixed. If permitted to be continued, it would amount to fresh commission of the offence for which the compounding was done. The State Governments which have not yet withdrawn the notifications shall do it forthwith. So far as the practical difficulties highlighted are concerned, it is for the State Governments concerned to make necessary arrangements to ensure that the difficulties highlighted can be suitably remedied by the State Governments themselves without in any way overstepping statutory prescriptions.`

(c) Yes Sir.

(d) & (e) The Government has been reiterating the legislative intent of the Motor Vehicles Act, 1988 regarding control of overloading to the States as and when violations are reported. The Order dated 9.11.2005 of the Hon`ble Supreme Court has been circulated on 14.11.2005 to the States/Union Territories for strict compliance.