

# **The Railways (Punitive Charges For Overloading Of Wagon) Rules, 2007**

UNION OF INDIA

India

## **The Railways (Punitive Charges For Overloading Of Wagon) Rules, 2007**

### **Rule**

### **THE-RAILWAYS-PUNITIVE-CHARGES-FOR-OVERLOADING-OF-WAGON of 2007**

- Published on 15 June 2007
- Commenced on 15 June 2007
- [This is the version of this document from 15 June 2007.]
- [Note: The original publication document is not available and this content could not be verified.]

The Railways (Punitive Charges For Overloading Of Wagon) Rules, 2007 Published vide G.S.R. 435(E), dated 15.6.2007, published in the Gazette of India, Extraordinary, Part II, Section 3(i), dated 15.6.2007.

### **21.**

/932In exercise of the powers conferred by sub-section (1) read with clause (d) of sub-section (2) of section 87 of the Railways Act, 1989 (24 of 1989) and in supersession of the Railways (Punitive Charges for Overloading of Wagon) Rules, 2006, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

Brought into force on 15-6-2007.

#### **1. Short title and commencement .-(1) These rules may be called The Railways (Punitive Charges for Overloading of Wagon) Rules, 2007.**

(2)They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions .-In these rules, unless the context otherwise requires,-**

(a)"Act" means the Railways Act, 1989 (24 of 1989);(b)"class rate" means the freight rate applicable to a commodity as per the class assigned to that commodity;(c)"Normal freight" means the freight charge recoverable on a commodity at the class rate for the weight of the commodity loaded upto

permissible carrying capacity plus 1 tonne or 2 tonnes, as the case may be, as specified in the Schedule;(d)"Permissible carrying capacity" means the normal carrying capacity determined under sub-section (2) or (3) of section 72 or where a railway administration has determined a varied carrying capacity under sub-section (4) of section 72, such varied carrying capacity, whichever is higher;(e)"Schedule" means the Schedule to these rules;(f)"section" means the section of the Act;(g)Words and expressions used and not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

**3. Punitive charges for overloading .-Where the commodities are overloaded in Railway wagon, the railway administration shall recover punitive charges as provided in Parts I, II and III of the Situation `A' & `B' of the Schedule, from the consignor, the consignee or the endorsee as the case may be, for the entire distance to be travelled by the train hauling the wagon from the originating station to the destination point, irrespective of the point of detection of overloading:**

Provided that no punitive charges will be levied if the customer carries out load adjustment at the originating station itself in case of detection of overloading at originating point.[(4) Notwithstanding anything contained in rule 3, where the commodities are overloaded in railway wagons on certain routes, the railway administration shall recover punitive charges as provided in the Schedule II.]

## **Schedule**

Situation AIf the aggregated payload in a rake does not exceed the combined permissible carrying capacity of the rake, the punitive charges shall be levied as per following:

### **Part I**

FOR WAGONS OTHER THAN COVERED, TANK AND BOY/BOYN WAGONS

Extent of overloading	Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of 2 tonnes*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) upto 2 tonnes	Nil
(b) by more than 2 tonnes but not more than 5 tonnes	2 times of the freight rate applicable to that commodity.
(c) by more than 5 tonnes	3 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby clarified that on the weight exceeding the permissible carrying capacity up to 2 tonnes, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable and punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of 2 tonnes.

## Part II

### FOR COVERED WAGONS, TANK WAGONS AND BOY/BOYN WAGONS

Extent of overloading	Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of 1 tonne*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) upto 1 tonne	Nil
(b) by more than 1 tonne but not more than 4 tonnes	2 times of the freight rate applicable to that commodity.
(c) by more than 4 tonnes	3 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby clarified that, on the weight exceeding the permissible carrying capacity up to 1 tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable and punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of 1 tonne.

## Part III

### FOR CONTAINER TRAIN

Extent of overloading	Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of 1 tonne*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) upto 1 tonne	Nil
(b) by more than 1 tonne but not more than 4 tonnes	2 times of the freight rate applicable to that commodity.
(c) by more than 4 tonnes	3 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby clarified that on the weight exceeding the permissible carrying capacity up to 1 tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recovered for the entire weight of the commodity in excess of permissible

carrying capacity and loading tolerance of 1 tonne. Situation B If the aggregated payload in a rake exceeds the combined permissible carrying capacity of the rake, the punitive charges shall be levied as per following:

## Part I

### FOR WAGONS OTHER THAN COVERED, TANK AND BOY/BOYN WAGONS

Extent of overloading	Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) upto 2 tonnes	Nil
(b) by more than 2 tonnes but not more than 5 tonnes	3 times of the freight rate applicable to the highest class.
(c) by more than 5 tonnes	5 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby clarified that on the weight exceeding the permissible carrying capacity upto 2 tonnes, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable. However, in case of the weight exceeds the permissible carrying capacity by more than 2 tonnes, punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.

## Part II

### FOR COVERED WAGONS, TANK WAGONS AND BOY/BOYN WAGONS

Extent of overloading	Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) upto 1 tonne	Nil
(b) by more than 1 tonne but not more than 4 tonnes	3 times of the freight rate applicable to the highest class.
(c) by more than 4 tonnes	5 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby declared that on the weight exceeding the permissible carrying capacity upto 1 tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable. However, in case of the weight exceeds the permissible carrying

capacity by more than 1 tonne, punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.

## Part III

### FOR CONTAINER TRAIN

Extent of overloading	Punitive charges leviable on the entire weight of the commodity loaded in excess of permissible carrying capacity*
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) up to 1 tonne	Nil
(b) by more than 1 tonne but not more than 4 tonnes	3 times of the freight rate applicable to the highest class.
(c) by more than 4 tonnes	5 times of the freight rate applicable to the highest class.

\*For removal of doubts, it is hereby declared that, on the weight exceeding the permissible carrying capacity upto 1 tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable. However, in case of the weight exceeds the permissible carrying capacity by more than 1 tonne, punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.[SCHEDULE II(For loading on excepted CC+6, CC+6 and CC+8 routes only)Situation-AIf the aggregated pay load in a rake does not exceed the combined permissible carrying capacity of the rake, the punitive charges shall be levied as per following:

## Part I

### FOR WAGONS OTHER THAN BCNHL AND BCCW WAGONS

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible capacity and loading tolerance ofone tonne.
If the weight of the commodity exceeds the permissiblecarrying capacity of wagon;	
(a) upto one tonne	Nil
(b) by more than one tonne but not more than four tonnes	Two times of the freight rate applicable to that commodity
(c) by more than four tonnes	Three times of the freight rate applicable to the highestclass

\* Explanation. - It is hereby clarified that on the weight exceeding the permissible carrying capacity

upto one tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable and punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of one tonne.

## Part II

### FOR BCNHL AND BCCW WAGONS

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible capacity.
If the weight of the commodity exceeds the permissiblecarrying capacity of wagon;	
(a) upto three tonnes	Two times of the freight rate applicable to that commodity
(b) by more than three tonnes	Three times of the freight rate applicable to the highestclass
*Explanation. - Punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.Situation-BIf the aggregated payload in a rake exceeds the combined permissible carrying capacity of the rake, the punitive charges shall be levied as per following:	

## Part I

### For wagons other BCNHL and BCCW wagons

Extent of overloading.	Punitive charges leviable on the entire weight of commodityloaded in excess of permissible capacity and loading tolerance ofone tonne.
If the weight of the commodity exceeds the permissiblecarrying capacity of wagon;	
(a) upto one tonne	Nil
(b) by more than one tonne but not more than four tonnes	Three times of the freight rate applicable to the highestclass
(c) by more than four tonnes	Five times of the freight rate applicable to the highestclass
* Explanation. - It is hereby clarified that on the weight exceeding the permissible carrying capacity upto one tonne, the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable. However, in case of weight exceeds the permissible carrying capacity by more than one tonne, punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.	

## Part II

### FOR BCNHL AND BCCW WAGONS

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible capacity and loading tolerance of one tonne.
If the weight of the commodity exceeds the permissible carrying capacity of wagon;	
(a) upto three tonnes	Three times of the freight rate applicable to highest class
(c) by more than three tonnes	Five times of the freight rate applicable to the highest class

\* Explanation. - For removal of doubts, it is hereby clarified that punitive charges will be recovered for the entire weight of the commodity in excess of permissible carrying capacity.][Added by Notification No. G.S.R. 595 (E) dated 1.8.2011 (w.e.f. 15.6.2007)]