

The Railways (Punitive charges for overloading of wagon) Rules, 2012

UNION OF INDIA

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The Railways (Punitive charges for overloading of wagon) Rules, 2012

Rule

THE-RAILWAYS-PUNITIVE-CHARGES-FOR-OVERLOADING-OF-WAGON of 2012

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The Railways (Punitive charges for overloading of wagon) Rules, 2012 Published vide Notification New Delhi, the 17th July, 2012 Last Updated 15th December, 2018 Ministry of Railways (Railway Board) G.S.R. 570(E). - In 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 (No.24 of 1989), and in supersession of the Railways (Punitive charges for overloading of wagon) Rules, 2007 and Railways (punitive charges for overloading of wagon) Amendment Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called the Railways (Punitive charges for overloading of wagon) Rules, 2012. (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) "freight rate" means the rate applicable to a commodity as per the class assigned in the classification; (b) "normal freight" means the freight charge recoverable on a commodity at the class rate for the weight of the commodity loaded up to permissible carrying capacity plus loading tolerance, as specified in the Schedule; (c) "permissible carrying capacity" means the normal carrying capacity determined under subsection (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; (d) "Schedule"

means the Schedule annexed to these rules;(e)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 over-loaded in Railway wagon, the railway administration shall recover punitive charges as provided in parts I, II and III of the situation at 'A' and '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 shall be levied if the customer carries out load adjustment at the originating station itself in case of detection of overloading at originating point.

Schedule

(for loading on excepted CC+6, CC+6, CC+8 and 25 tonne axle load routes)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, namely:-Part-I [for wagons other than BCNHL, BCCW and BFNSM 22.9 wagons] [Substituted 'For wagons other than BCNHL and BCCW wagons' by Notification No. G.S.R. 1205(E), dated 14.12.2018 (w.e.f. 17.7.2012).]

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible carrying capacity and loadingtolerance of one 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 shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of one tonne.[Part-II] [Substituted by Notification No. G.S.R. 550(E) dated 10.7.2015 (w.e.f. 17.7.2012)] (i) For BCNHL wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible carrying capacity and loading tolerance of half tonne.
If the weight of the commodity exceeds the permissiblecarrying capacity of wagon;	

- | | |
|---|--|
| (a) upto half tonne | Nil |
| (b) by more than half tonne but not more than three and half tonnes | Two times of the freight rate applicable to that commodity |
| (c) by more than three and half 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 half tonne, the amount freight at the rate applicable to the commodity shall be recoverable and punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of half tonne.] [Substituted by Notification No. G.S.R. 550(E) dated 10.7.2015 (w.e.f. 17.7.2012)][for BCCW and BFNSM 22.9 wagons] [Substituted 'For BCCW wagons' by Notification No. G.S.R. 1205(E), dated 14.12.2018 (w.e.f. 17.7.2012).]

[Extent of overloading [Substituted by Notification No. G.S.R. 278 (E), dated 26.3.2018 (w.e.f. 17.7.2012).]

*Punitive charges leviable on the entireweight of the commodity loaded in excess of permissible carryingcapacity and loading tolerance of half tonne

If the weight of the commodity exceeds thepermissible carrying capacity of wagon:

- | | |
|--|---|
| (a) up to half tonne | Nil. |
| (b) by more than half tonne but not more thanthree and half tonnes | Two times of the freight rate applicable to thatcommodity. |
| (c) by more than three and half tonnes | Three times of the freight rate applicable tothe highest class. |

*Explanation. - It is hereby clarified that on the weight exceeding the permissible carrying capacity upto half tonne, the normal freight at the rate applicable to the commodity shall be recoverable and punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of half tonne.] [Substituted 'For BCCW wagons' by Notification No. G.S.R. 1205(E), dated 14.12.2018 (w.e.f. 17.7.2012).]Part-III For Container train

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible carrying capacity and loadingtolerance of one tonne
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If the weight of commodity exceeds the permissible carryingcapacity of the 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 commodity shall be recoverable and punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity and loading tolerance of one tonne.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 than BCNHL, BCCW and BFNSM 22.9 wagons]
[Substituted 'For wagons other than BCNHL and BCCW wagons' by Notification No. G.S.R. 1205(E), dated 14.12.2018 (w.e.f. 17.7.2012).]

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible carrying capacity
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 highest class

*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 shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity.[Part-II] [Substituted by Notification No. G.S.R. 550(E) dated 10.7.2015 (w.e.f. 17.7.2012)] (i) For BCNHL wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodityloaded in excess of permissible carrying capacity
If the weight of the commodity exceeds the permissiblecarrying capacity of wagon;	
(a) upto half tonne	Nil
(b) by more than half tonne but not more than three and half tonnes	Three times of the freight rate applicable to the highestclass
(c) by more than three and half 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 half tonne, the amount freight at the rate applicable to the commodity shall be recoverable. However, in case of weight exceeds the permissible carrying capacity by more than half tonne, punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity.] [Substituted by Notification No. G.S.R. 550(E) dated 10.7.2015 (w.e.f. 17.7.2012)][for BCCW and BFNSM 22.9] [Substituted 'For BCCW wagons' by Notification No. G.S.R. 1205(E), dated 14.12.2018 (w.e.f. 17.7.2012).]

Extent of overloading	*Punitive charges leviable on the entireweight of the commodity loaded in excess of permissible carryingcapacity
If the weight of the commodity exceeds thepermissible carrying capacity of wagon:	

- | | |
|---|--|
| (a) up to half tonne | Nil. |
| (b) by more than half tonne but not more than three and half tonnes | Three times of the freight rate applicable to the highest class. |
| (c) by more than three and half tonnes | Five times of the freight rate applicable to the highest class. |

*Explanation. - It is hereby clarified that on the weight exceeding the permissible carrying capacity upto half tonne, the normal freight at the rate applicable to the commodity shall be recoverable. However, in case of weight exceeds the permissible carrying capacity by more than half tonne, punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity]

Extent of overloading	*Punitive charges leviable on the entire weight of the commodity loaded in excess of permissible carrying capacity
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If the weight of commodity exceeds the permissible carrying capacity of the 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 highest class |
| (c) by more than four tonnes | Five times of the freight rate applicable to the highest class |

*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 commodity shall be recoverable. However, in case of the weight exceeds the permissible carrying capacity by more than one tonne, punitive charges shall be recovered for the entire weight of the commodity in excess of permissible carrying capacity.