

Railways (Punitive charges for overloading of wagon) Rules, 2005

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Railways (Punitive charges for overloading of wagon) Rules, 2005

In exercise of the powers conferred by sub-sec. (1) read with clause (d) of sub-sec. (2) of Sec. 87 of the Railways Act, 1989, (No. 24 of 1989) and in supersession of the Railway (Punitive charges for overloading of wagon) Rules, 2004, published in the Gazette of India Part-II, Sec. 3(i) vide 1147(E) dt. 18.10.2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules for punitive charges for overloading of wagons under Sec. 73 of the said Act, namely:

1. Short title and commencement :-

(1) These rules may be called the Railways (Punitive charges for overloading of wagon) Rules, 2005.

(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 (No. 24 of 1989);

(b) "Section" means the section of the Act;

(c) "class rate" means the freight rate applicable to a commodity as per the class assigned to that commodity;

(d) "Permissible carrying capacity" means the normal carrying capacity determined under sub-sec. (2) or (3) of Sec. 72 or where

a railway administration has determined a varied carrying capacity under sub-sec. (4) of Sec. 72, such varied carrying capacity, whichever is higher;

(e) "Schedule" means the Schedule to these rules;

(f) "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;

(g) Words and expression used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Punitive charges for overloading :-

Where the commodities are over-loaded in a 8-wheeled wagon, the railway administration shall recover punitive charges as provided in parts I, II and III of the situation 'A' and 'B' of the Schedule, from the consignor, the consignee or the endorsee as the case may be, for the entire weight of the commodities loaded beyond the permissible carrying capacity for the entire distance to be traveled 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.

SCHEDULE A

Situation-B

Situation-A	
If the aggregated payload in a rake does not exceed the combined permissible carrying capacity of the rake, the punitive charges should be levied as per following:	
Part-I	
For 'Enhanced CC commodities loaded in 8-wheeled wagons excluding BOX/BOST/BOBR and BOBRN wagons	
Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	2 times the freight rates applicable to that commodity.

*For removal of doubts, it is hereby declared that the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable on the weight of the commodity exceeding the permissible carrying capacity upto 2 tonnes.

Part-II

For 'Enhanced CC commodities loaded in BOX/BOST/BOBR and BOBRN wagons

Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	2 times the freight rates applicable to that commodity.

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

Part III

For 'CC Commodities loaded in all types of 8 wheeled wagons

Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	2 times the freight rates applicable to that commodity.

*For removal of doubts, it is hereby declared that the normal freight at the rate applicable

to the class assigned to the commodity shall be recoverable on the weight of the commodity

exceeding the permissible carrying capacity upto 1 tonne.

SCHEDULE

Situation-B

If the aggregated payload in a rake exceeds the combined permissible carrying capacity of the rake, the punitive charges should be levied as per following:

Part-I

For 'Enhanced CC commodities loaded in 8-wheeled wagons excluding BOX/BOST/BOBR and BOBRN wagons

Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	3 times the freight rates applicable to that commodity.

*For removal of doubts, it is hereby declared that the normal freight at the rate applicable to the class assigned to the commodity shall be recoverable on the weight of the commodity exceeding the permissible carrying capacity upto 2 tonnes.

Part-II

For 'Enhanced CC commodities loaded in BOX/BOST/BOBR and BOBRN wagons

Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	3 times the freight rates applicable to the highest class

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

For 'CC Commodities loaded in all types of 8 wheeled wagons

Extent of overloading	Punitive charges leviable on the entire weight loaded beyond the 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	3 times the freight rates applicable to the highest class

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