

The Railways (Punitive Charges for Overloading of Wagon) Rules, 2012¹

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 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;
- (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 overloaded 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:

1. Ministry of Railways (Railway Board), Noti. No. G.S.R. 570(E), dated 17 July, 2012, published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th July, 2012, pp. 6-9, No. 361.

²[Provided further that on detection of overloading at other than originating point, if customer carries out load adjustment at such point, Punitive charge shall be levied for the distance travelled by the train hauling the wagon from the originating station to the load adjustment point.]

³[4. Notwithstanding anything contained in Rule 3, if overloading is detected in the wagon(s) that had undergone load-adjustment by the consignors either directly or through their designated agencies, punitive charge of one lakh rupees per wagon shall be levied.]

SCHEDULE

(For loading on excepted CC+6, CC+6, CC+8 and 25 tonne axle load routes)

Situation A

If 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

⁴[For wagons other than BCNHL, BCCW, BFNSM22.9, BCFC and BCFCM wagons]

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of one tonne
If the weight of the commodity exceeds the permissible carrying capacity of wagon;	
(a) up to 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 highest class

*Explanation.—It is hereby clarified that on the weight exceeding the permissible carrying capacity up to 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.

⁵[Part II

(i) For BCNHL wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of half tonne

2. Ins. by G.S.R. 560(E), dt. 16-9-2020 (w.e.f. 16-9-2020).

3. Ins. by G.S.R. 898(E), dt. 17-12-2012 (w.e.f. 17-12-2012).

4. Subs. for "For wagons other than BCNHL, BCCW and BFNSM22.9 wagons" by G.S.R. 566(E), dt. 17-9-2020 (w.e.f. 17-9-2020).

5. Subs. by G.S.R. 550(E), dt. 10-7-2015 (w.e.f. 10-7-2015).

If the weight of the commodity exceeds the permissible carrying capacity of wagon;	
(a) up to 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 highest class.

**Explanation.*—It is hereby clarified that on the weight exceeding the permissible carrying capacity up to 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.

⁶[(ii) ⁷[For BCCW, BFNSM22.9, BCFC and BCFCM wagons]

Extent of overloading	<i>*Punitive charges leviable on the entire weight of the commodity loaded in excess of permissible carrying capacity and loading tolerance of half tonne</i>
If the weight of the commodity exceeds the permissible carrying capacity of wagon:	
(a) up to 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 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.]

Para III

For Container train

Extent of overloading	<i>*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of one tonne</i>
If the weight of commodity exceeds the permissible carrying capacity of the wagon;	
(a) up to one tonne	Nil

6. Subs. by G.S.R. 278(E), dt. 26-3-2018 (w.e.f. 26-3-2018).

7. Subs. for "For BCCW and BFNSM22.9 wagons" by G.S.R. 566(E), dt. 17-9-2020 (w.e.f. 17-9-2020).

(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 highest class

**Explanation.*—It is hereby clarified that on the weight exceeding the permissible carrying capacity up to 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 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

⁸[For wagons other than BCNHL, BCCW, BFNSM22.9, BCFC and BCFCM wagons]

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity
If the weight of the commodity exceeds the permissible carrying capacity of wagon;	
(a) up to 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 up to 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.

⁹[Part II

(i) For BCNHL wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity
If the weight of the commodity exceeds the permissible carrying capacity of wagon;	
(a) up to half tonne	Nil

8. Subs. for "For wagons other than BCNHL, BCCW and BFNSM22.9 wagons" by G.S.R. 566(E), dt. 17-9-2020 (w.e.f. 17-9-2020).

9. Subs. by G.S.R. 550(E), dt. 10-7-2015 (w.e.f. 10-7-2015).

(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 up to 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.

¹⁰[(ii) ¹¹[For BCCW, BFNSM22.9, BCFC and BCFCM wagons]

Extent of overloading	*Punitive charges leviable on the entire weight of the commodity loaded in excess of permissible carrying capacity
If the weight of the commodity exceeds the permissible 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.]

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 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 up to one tonne, the normal freight at the rate applicable to the commodity shall be

10. Subs. by G.S.R. 278(E), dt. 26-3-2018 (w.e.f. 26-3-2018).

11. Subs. for "For BCCW and BFNSM22.9 wagons" by G.S.R. 566(E), dt. 17-9-2020 (w.e.f. 17-9-2020).

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.

भाग- III

कंटेनर गाड़ियों के लिए

अधिक लदान की सीमा	*अनुज्ञेय वहन क्षमता से अधिक लादी गई वस्तु के समग्र भार पर उद्ग्रहणीय दंडात्मक प्रभार
यदि वस्तु का भार वैगन की अनुज्ञेय वहन क्षमता से अधिक है;	
(क) एक टन तक	कुछ नहीं
(ख) एक टन से अधिक किंतु चार टन से अधिक नहीं	उस वस्तु पर लागू मालभाड़ा दर का तिगुना
(ग) चार टन से अधिक	उस वस्तु पर लागू मालभाड़ा दर का चार गुना

***स्पष्टीकरण-** यह स्पष्ट किया जाता है कि एक टन तक अनुज्ञेय वहन क्षमता से अधिक भार पर उस वस्तु के लिए लागू दर पर सामान्य मालभाड़ा वसूलनीय होगा। तथापि, यदि भार एक टन से अधिक अनुज्ञेय वहन क्षमता से अधिक है तो अनुज्ञेय वहन क्षमता से अधिक वस्तु के समग्र भार के लिए दंडात्मक प्रभार वसूल किए जाएंगे।“

[फा. सं..टीसी-1/2022/109/ईफाइल/2(3382093)]

ब्रजेश धर्मानि, कार्यपालक निदेशक, यातायात वाणिज्य(दर)

टिप्पण- मूल नियम भारत के राजपत्र असाधारण, भाग II खंड 3, उपखंड (i) में दिनांक 17 जुलाई, 2012 के सा.का.नि. 570 (अ) के तहत प्रकाशित किए गए थे और पिछली बार दिनांक 17 सितंबर, 2020 के सा.का.नि. 566(अ) की अधिसूचना के तहत संशोधित किये गए थे।

MINISTRY OF RAILWAYS**(RAILWAY BOARD)****NOTIFICATION**

New Delhi, the 23rd March, 2022

G.S.R. 218(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), the Central Government hereby makes the following rules further to amend the Railways (Punitive Charges for overloading of wagon) Rules, 2012, namely:—

1. (1) These rules may be called the **Railways (Punitive Charges for overloading of wagon) (Amendment) Rules, 2022.**

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

2. In the Railways (Punitive Charges for overloading of wagon) Rules, 2012, for the Schedule, the following Schedule shall be substituted, namely:—

“SCHEDULE

(for loading on excepted CC+6, CC+6, CC+8 and 25 tonne axle load routes)

Situation-A

If 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, BFNSM22.9, BCFC and BCFCM

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of one tonne
If the weight of the commodity exceeds the permissible carrying 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	Two and half times of the freight rate applicable to that commodity.

*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.

Part-II

For BCNHL, BCCW, BFNSM22.9, BCFC and BCFCM wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of half tonne
If the weight of the commodity exceeds the permissible carrying 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	Two and half times of the freight rate applicable to that commodity.

*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.

Part-III

For Container Trains

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity and loading tolerance of one tonne
If the weight of the commodity exceeds the permissible carrying 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	Two and half times of the freight rate applicable to that commodity.

*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-B

If the aggregated pay load in a rake exceeds 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, BFNSM22.9, BCFC and BCFCM

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

***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.

Part-II

For BCNHL, BCCW, BFNSM22.9, BCFC and BCFCM wagons

Extent of overloading	*Punitive charges leviable on the entire weight of commodity loaded in excess of permissible carrying capacity
If the weight of the commodity exceeds the permissible carrying 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 that commodity.
(c) by more than three and half tonnes	Four times of the freight rate applicable to that commodity.

***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 the 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.

Part-III

For Container Trains

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

***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.

[F. No.TC-I/2022/109/efile/2(3382093)]

BARJESH DHARMANI, Executive Director, Traffic Commercial (Rates)

Note.- The principal rules were published in the Gazette of India Extraordinary, Part II Section 3, Sub-section (i) *vide* number G.S.R. 570(E), dated the 17th July, 2012 and was last amended *vide* notification number G.S.R.566(E), dated the 17th September 2020.