Brief background Note on Carriage by Road Act, 2007 and Carriage by Road Rules, 2011

The Carriers Act, 1865 was enacted on 14.02.1865 with a view to regulate the carriage by goods in any form of transport. The main purpose of the Carriers Act, 1865 was to define and limit the liability of the common carriers for loss or damage to consignments entrusted to them owing to their own negligence or fault. The Act envisaged liability of Rs.100/- only on account of the carrier in case of loss of or damage to the goods during transportation owing to his negligence or act of negligence.

2. Most of the provisions of the Carriers Act, 1865 had become obsolete as the transport trade had undergone a sea change over the last 142 years. A class of middlemen of booking agents / brokers has emerged who play a vital role in the road transportation and trade. They were not covered under the Carriers Act, 1865 since they did not exist at that time. Moreover, the other modes of transport such as railways, civil aviation and shipping sector have developed their own sector-wise carriage Act to take care of the liability of the common carrier and other requirements to govern transportation of goods.

3. The Carriage by Road Act, 2007 was notified on 01.10.2007 with a view to replace the old Act keeping in mind the changes and needs of modern day requirement of trade and transport by road. The Act came into effect from 01.03.2011. The important features of the Carriage by Road Act, 2007 are as under:-

- Mandatory registration of common carriers i.e., persons involved in transportation business on roads including goods booking company, contractor, agent, broker etc. The liability of the common carriers in case of loss or damage to the goods shall be prescribed under the rules. There is also scope for an agreement between the consignor and the common carrier for transport of the consignment on payment of a higher risk rate for higher liability.
- There will be single registration for a common carrier which will be valid for the entire country for a period of 10 years initially. Details of branch offices to be reflected in the certificate of registration.
- Common carrier shall be liable for the offence of overloading and shall be penalised in terms of Section 194 of the Motor Vehicles Act, 1988 at par with the drivers / owner of the motor vehicle.

4. The Carriage by Road Rules were finalized by a Working Group under Joint Secretary (Transport), MORTH which was also represented by major transport associations such as AIMTC, AITWA, AICGOA.

5. The Carriage by Road Rules, 2011 were notified on 28.02.2011. The Act/Rules are also available in this Ministry's website at http://morth.nic.in under the heading captioned Act/Rules. The Carriage by Road Rules, 2011 prescribe the following:-

- The rules prescribe the form and manner of application / renewal of certificate of registration, eligibility criteria to be fulfilled by the applicant for grant of registration certificate, the form and the conditions for grant of registration certificate, the form and manner of maintaining a Register by the common carrier.
- The manner in which the return is to be filed by the common carrier to the Registering Authority and Transport Research Wing of the Ministry.
- The time period for revocation of certificate of registration due to failure on the part of the common carrier to address certain grievances of the consignor.
- Fee for various purposes.
- The form and manner of submitting Goods Forwarding Note by the consignee, the form and manner of issue of Goods Receipts by the common carrier, liability of the common carrier for loss of or damage to any consignment.
- The procedure and safeguards to be complied by the common carrier for carriage of goods of dangerous or hazardous nature etc.
- **The said Act inter-alia, provide that any person who is engaged or intends to engage in the business of a common carrier, shall apply for the grant or renewal of a certificate of registration for carrying on the business of common carrier to the registering authority, i.e. transport department of State Government.** The deadline for registration of Carriers was 31.08.2011, which is already over.

6. Since Road Transport is a State subject, it is for State Governments to make the provisions of Carriage by Road Act/Rule popular and effective through print and electronic media to enforce the provisions in letter and sprit. States/UTs were requested to implement the provisions of the Act/Rules and furnish data of agencies / individuals registered under the Act and to facilitate & encourage the common carriers for getting themselves registered. As per the feed back received from some of the State Governments, common carriers are being registered under the Act.

7. As a step in that direction, a half day workshop was organized on 13.02.2012 at New Delhi with Senior Officers of States/UTs and major Transport Associations to deliberate upon the enforcement issues of Carriage by Road Act, 2007. Based on the recommendations of this Workshop, a Committee was constituted on 15.02.2012 by the Ministry of Road Transport & Highways under the Chairmanship of Shri Deepak Upreti, Principal Secretary (Transport), Government of Rajasthan and under convenorship of Dr. Umakant Panwar, Secretary (Transport.) & Transport Commissioner, Govt. of Uttarakhand to discuss issues relating to Carriage by Road Act and submit recommendations.

***