

No.D3/2098/TC/03

922/03  
19/11/04  
CS  
2/15/11  
Head Office,  
Motor Vehicles Department,  
Thiruvananthapuram,  
Dated 13.01.2004.

Circular No.3/2004

Many of the Mini Buses, Vans, Trekkers and Jeeps are operating as stage carriages along the National High Way and other State High Ways. Such illegal operations persist due to the slackness in enforcement of Motor Vehicles Act and Rules by the Regional Transport Officers, Joint Regional Transport Officers and their subordinate officers. The functioning of Mobile Squads attached to the Districts, Deputy Transport Commissioner's offices and also the Special Mobile Squads attached to the Office of the Transport Commissioner need to be energised. Hence it is imperative that all RTOs, Joint RTOs and their subordinate officers should take effective action to curb parallel services by private vehicles. The following instructions are hereby issued to the RTOs, Joint RTOs, MVIs and AMVIs for strict compliance. The DTCs, RTOs and Joint RTOs should ensure that the Motor Vehicles Inspectors and Assistant Motor Vehicles Inspectors take stern action against parallel service operators. Their performance shall be watched by the RTOs and Joint RTOs every week. Disciplinary action shall be taken against those who are not taking adequate action against the parallel service operators.

The RTOs and Joint RTOs shall send weekly reports to the concerned DTCs on every Monday regarding the action taken against the parallel service operators during the previous week i.e. from Sunday to Saturday. The DTCs should review the performance of each RTO/Joint RTO every Tuesday and forward his report to the Transport Commissioner on every Wednesday. He should recommend action to be taken against officers for dereliction or negligence of duty, if any.

The officers need not compound the offences relating to parallel services. The offences under section 192 A of M.V. Act are not compoundable. The offences detected against parallel service operators shall be placed before the Regional Transport Authority for taking action under section 86 of M.V. Act for suspension/cancellation of permit. In case of recurring offences involving more than two instances in respect of the same vehicle, action should be taken for suspending the registration of the vehicle as provided for in section 53 of the M.V. Act. It may be noted that the powers under section 86 (1)

Give Copy to  
Concerned DTCs and  
Joint RTOs for  
action as per  
DTCs  
19/11/04

of the Act to suspend the permit can also be exercised by the RTOs and Joint RTOs who have been delegated with such powers. Under sub section (5) of section 86 of the Act, an amount can be realised in lieu of the suspension. Therefore it is hereby directed that the Secretaries of RTAs and Joint RTOs may invoke the power under section 86 (5) of the Act. While invoking the power under section 86 (5), the maximum amount realisable under Rule 186 shall be realised as compounding fee keeping in mind the gravity of the offence.

RTOs and Joint RTOs may exercise their discretion either to place the matter before the RTA or to deal with the same utilising the powers under Section 86 of M.V. Act.

  
Transport Commissioner.

To

All Deputy Transport Commissioners,  
All Regional Transport Officers &  
All Joint Regional Transport Officers.

Copy to

CA to TC, Joint TC, Secretary, STA, Senior DTC (Taxation), ATC,  
Assistant Secretary, STA, L/O, S/F and Spare.

Jd.