

No.C1/7754/TC/95

Office of the Transport Commissioner,  
Thiruvananthapuram, Dated, 15.7.'95.

From

The Transport Commissioner,  
Thiruvananthapuram.

To

All Deputy Transport Commissioner,  
All Regional Transport Officers,  
All Joint Regional Transport Officers  
of Sub Regional Transport Offices &  
All Motor Vehicles Inspectors of  
Check Posts.

Sir/Madam,

Sub:- Motor Vehicles - Composition of certain offences  
publishable under section 177, 178 etc. of M.V.  
Act - clarification issued -

Ref:- (1) Govt. letter No.12918/M1/95/PW&T dated  
14.7.1995.

(2) This office T.P. message of even No.  
dated 15-7-1995.

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In continuation of this Office, Teleprinter Message  
2nd cited, I am to further inform you as follows:

An instance of levy of Rs.2,000/- by one of the Sub  
Officers of this department as penalty for delay in renewing  
the Certificate of Registration in respect of a non-transport  
vehicle has been brought to the notice of this office. The  
matter was referred to Government for clarification whether  
the Officers of this department are empowered to impose the  
punishment under sub. section (1) of Section 192 of the M.V.  
Act, 1988 (as amended by Motor Vehicles (Amendment) Act 1994)  
Government, after examining the issue, have clarified as  
follows:-

"On a plain reading itself it reveals that Sub.  
Section (1) of Section 192 says of Punishment. It provides  
that the offender shall be punishable with imprisonment for  
a second or subsequent offence. As the Officers of the M.V.  
Department have no power to order imprisonment of a person,  
the powers under the said Sub. Section can be exercised only  
by a Court of Law. Further more the proviso to the said Sub.  
Section makes it crystal clear that the powers under the said  
Sub. Section can only be exercisable by a Court of Law. It is  
therefore informed that the Officers or authorities of the  
M.V. Department have no authority at all to exercise the  
powers conferred under Sub. Section (1) of Section 192 of the  
M.V. Act.

It is also pointed out that the provision of Section  
192 (1) of the Act will not be attracted in a case where  
there is only delay in making the application for the renewal  
of the Registration Certificate. In such cases, the register-  
ing authority can only impose the fine as specified in Sub.  
Section (11) read with Sub. Section 13 of Section 41 of the  
Act. Otherwise action under section 177 can be taken against

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the offender. Sub Section (1) of Section 192 is applicable only in a case where a person contravenes the provisions of section 39 of the Act. It is further pointed out that the Officer or authorities of M.V. Dept. are only empowered to compound the offences specified in Section 200 of the Act (which include the offences under Sections 177 and 192) for such amount as prescribed by the Government in notification (SRO 1144/89) issued under the said Section".

The above matter should be brought to the notices of the Officers in your jurisdiction immediately to avoid further complaints from the public. The receipt of this letter should be acknowledged by return of Post.

Mine faithfully,  
Sd/-

V.C. AYYAPPAN,  
Senior Dy. Transport Commr. (Tax),  
For Transport Commissioner.

Copy to: Secretary, STA, Sr. DTC (T), Finance Officer, LAW  
Officer, Asst. TC, Asst. Secretary, All Sr. and  
Jr. Supdts. of TC and STA Office and Head Accountant  
for information.

Approved for issue,

Senior Superintendent.

jd.15.7.