

G3/1500/TC/04

Transport Commissionerate, Kerala
Thiruvananthapuram
Date: 4/8/2011

Circular No: 16/2011

Sub :- MVs. Dept. Compounding of offence under
section 200 of MV Act, 1988-instructions issued

Ref:-1) Circular No.3/86 dated 1/1986

2) G.O(P) No.14/2010/Tran dated 2/3/2010

The procedure to be followed for compounding of offences, supply of TR5 receipt books to the field officers and maintenance of exhausted TR5 receipt books were described in circular No.3/86. But the said circular was issued in accordance with MV Act 1939. M.V Act 1939 was repealed by MV Act 1988. Hence in supersession of the directions contained in circular No.3/86, the following directions are issued:-

As per section 200 of the Motor Vehicle Act, 1988, the officers of Motor Vehicles Dept not below the rank of Assistant Motor Vehicle Inspector and Officers of the Police not below the rank of Sub Inspector of Police are empowered to compound the offences committed by the Owner, Driver and Conductor of Motor Vehicles under the section 177, 178, 179, 180, 181, 182, subsection (1) or sub-section (2) of section 183, section 184, 186, 189, sub-section (2) of section 190, section 191, 192, 194, 196 or 198 of the Motor Vehicle Act 1988.

Before proceeding to compound an offence, the consent of the person who has committed the offences must be obtained. Some sections deal with the offences relating to drivers and some sections deal with offences relating to both drivers and owners. At the time of checking of vehicles, the Driver/Conductor will be available on the spot of checking. The owner may not be present. In such circumstances if the Driver /Conductor offers to compound the offence on behalf of the owner also, his consent accordingly may be recorded and the offence may be compounded. If the Driver/Conductor does not agree, a check report should be prepared and submitted to the Regional Transport Officer/Joint Regional Transport Officer for further action. Similarly even though the Driver is present but not willing to compound the offence or if he wants to contest the case, the offence can not be compounded. In that case also check report has to be prepared and forwarded to the Regional Transport Officer/Joint Regional Transport Officer for further action.

The amount for compounding each offence has been prescribed under the notification 2nd cited. The checking officer while checking a Motor Vehicle must prepare the check report and ascertain from the Driver/Conductor his consent to compound the offence on his behalf and on behalf of the owner. If prepared to compound, his consent should be obtained in the Performa

appended to the circular and amount collected by issuing T.R.5 receipt. The Performa prescribed for this shall be kept in bound book with pages serially numbered.

The Regional Transport Officer, Joint Regional Transport Officer of Sub Regional Transport Offices will issue TR5 receipt Books to the checking officers attached to their respective office through the concerned store clerk. More than one book should not be issued /used at one and the same time and a new book should be brought in to use only after the old one is exhausted, which is to be ensured by the Head Accountant/Head Clerk in consultation with the store clerk. If any officer who is in possession of a TR5 book, is transferred to another office, he shall return it to the Head Accountant/Head Clerk before relieving from the office. The Head of office should ensure this before issuing relieving order, through Senior Superintendent. The issuing officer shall verify the TR5 receipt Book and certify the serial numbers of the receipts on the front page. The receipt book shall be issued after noting the serial number and the name of the officer to whom the same is issued in the stock register maintained in his office.

The checking officers shall hand over the money collected every day to the Head Accountant/Head Clerk of Regional Transport Office and Sub Regional Transport Office on the same day or on the next working day. The officers attached to the flying squad shall hand over the amount to the head clerk or Joint Regional Transport Officer (Admin) of the Deputy Transport Commissioner's Office on the same day or on the next working day. If they are on long tour the money should be handed over as soon as they return from tour.

The Head Accountant/Head Clerk of Regional Transport Office, Deputy Transport Commissioner's Office, Sub Regional Transport Office shall acknowledge the receipt of money tendered by the checking officers. The acknowledgement for the same shall be issued by noting on the office copy of TR5 receipt last issued and in the check report register maintained by the checking officers.

The amount so received by Head Accountant/Head Clerk shall be entered on the same day or on the next working day in the main cash book and remitted in to the Treasury along with '0041-102-97' remittance.

The checking officers shall hand over the exhausted TR5 receipt book immediately to the Head Accountant/Head Clerk of the concerned office and get his acknowledgement in the check report register of the checking officers. The Head Accountant/Head Clerk shall inform the details of the used TR5 book to the store clerk and the store clerk shall enter the same towards the name of the officer to whom the T.R.5 receipt book was issued and the date of completion of receipts, in the stock register. The stock register of receipt books should clearly show the dates on which the book was brought in to use and the date on which it was completed. Only thereafter the store clerk shall issue new TR5 book. However due to some emergency if any officer

requested for a new TR5 book without returning the presently using one, the same should be supplied only after noting it in the stock register by the store section clerk with the consent of Head Accountant/Head Clerk. The Head Accountant/Head Clerk/Store Section Clerk should confirm that the officer returned the old used one within ten days from the date of issue of the new one. If the same is not received back in the time limit, the matter should be intimated to the Head of Office in writing. The Head Accountant/Head Clerk shall keep the used TR5 receipt book under safe custody and produce those along with other T.R.5 receipt books for auditing by Senior Superintendent (Accounts) of Deputy Transport Commissioners Office, Accounts Officer and Audit party.

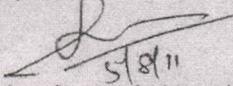
The Senior Superintendent (Accounts) of Deputy Transport Commissioners Office /Accounts Officer while auditing the accounts of each office shall audit these TR5 receipt Books also.

This circular is issued on noticing certain instances of collecting TR5 books by some officers without returning the used TR5 book to the Head Accountant, due to the ambiguity in circular No.3/86 regarding the procedure to be followed for issue and return of TR5 receipt books, in view of Rule 90 of Kerala Treasury Code, Volume. I.

Sd/-

Transport commissioner

Approved for issue



5/8/11
Senior Superintendent

5/8/11

To

All Deputy Transport Commissioners

All Regional Transport Officers

All Joint Regional Transport Officers

Copy to: CA s to TC, JTC, Senior DTC (Taxation), Senior AO, Senior FO, LO, ATC, Assistant Secretary STA, Accounts Officer, All sections, SF and spare

**PROCEEDINGS OF THE
COMPOUNDING OF THE OFFENCES PUNISHABLE UNDER SECTION**

Place :
Date :

**Sub:- Motor vehicles-Violation of the provisions of Motor vehicles Act, 1988 -
Compounding of offences - regarding**

Ref :- Check report dated.....

The following vehicle was checked atwhile proceeding from.....to..... and found that it has committed of the following offence punishable under section.....

Vehicle No :
Name & address of owner :
Name & address of driver :
Offence committed :.....

The offence is compoundable U/S 200 of Motor vehicles Act 1988. Therefore, at the option of the offender/offenders, in exercise of the powers conferred on me under the sections read above with notification No.G.O(P) No.14/2010/Tran dated 02.03.2010 the offence is compounded for a sum of Rs.....which shall be paid at once.

Name .
Designation of checking officer
Signature

Signature of the offender/offenders.

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(The checking officers shall make available TR 5 receipt books and check report register to Superior officers at any times for inspection. Superior officers at random must verify and ensure that the field staff adhere to the instructions scrupulously. The checking officers must take utmost care in implementing the directions without giving room for complaints.)