



## **ABSTRACT**

Motor Vehicles – Motor Vehicles (Amendment) Act, 2019 (Central Act 32 of 2019) – Compounding of offences by officers/authorities – Revision of amount – Notification under section 200 (1) of the Motor Vehicles Act, 1988 – Orders -Issued.

### **Home (Transport-VII) Department**

**G.O.(Ms).No.758**

**Dated: 19.10.2022.**

சுபகிருது, ஜப்பசி-02  
திருவள்ளூர் ஆண்டு 2053.

Read:

1. G.O.(Ms).No. 849, Home (Tr.VII) Department, Dated 13.12.2011.

#### **Read also:**

2. Central Act 32/2019 of the Motor Vehicles (Amendment) Act, 2019.
3. From the MoRTH, New Delhi Letter S.O.No. 3110 (E), dated 28.08.2019.
4. G.O.(Ms).No.456, Home (Tr.VII) Department, dated 04.09.2019.
5. From the Transport Commissioner, Chennai Letter R.No. 25454/E4/2019, dated 03.09.2019 and 31.01.2020.
6. Government Letter No.51205/Tr.VII/2019-16, dated 16.09.2021.
7. From the Transport Commissioner, Chennai Lr.R.No. 25464/E4/2019, dated 04.01.2022.

### **ORDER:-**

In the Government order first read above, the Government issued orders specifying officers in the areas specified to compound the offences committed and fine amount for certain offences punishable under the Motor Vehicles Act, 1988. Further, the Government in the Government order fourth read above, have issued orders empowering all the Police Officers of Law & Order and Traffic, not below the rank of Special Sub-Inspectors of Police to check and collect the compounding fees in the entire State of Tamil Nadu, including all the Police Commissionerates except the check post of Transport Department.

(p.t.o.)

2. The Government of India, Ministry of Road Transport and Highways considering the high increase in the number of vehicles across the States and thereby occurring of more number of accidents due to various factors has considered that it is inevitable to enhance the compounding fee for the motor vehicles so as to curtail the offenders thereby reducing the accidents and defaulters of traffic violations. Accordingly, the Government of India, Ministry of Road Transport and Highways vide the Motor Vehicles (Amendment) Act, 2019 (Central Act 32 of 2019) in the reference second read above, has enhanced the fine amounts for certain offences punishable under various sections of Motor Vehicles Act, 1988.

3. Pursuant to the amendment, the Transport Commissioner has sent proposal to the Government for revision of Compounding fees hitherto in vogue. The Transport Commissioner has stated that as per section 200 (1) of the Motor Vehicles Act, 1988, as amended by the Motor Vehicles (Amendment) Act, 2019 (Central Act 32 of 2019), any offence whether committed before or after the commencement of that Act punishable under Sections 177, 178, 179, 180, 181, 182, 182A(1) or (3) or (4), 182B, 183(1) or (2), 184 only to the extent of use of handheld communication devices, 186, 189, 190(2), 192, 192A, 194, 194A, 194B, 194C, 194D, 194E, 194F, 196 and 198 may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Official Gazette, specify in that behalf.

4. The Transport Commissioner has also stated that as per the said amendment Act of 32 of 2019, sub-section (1) of section 211A provides for this facility to make payment by means of such electronic form as may be prescribed by the Central Government or by the State Government. The Transport Commissioner has, therefore, proposed that the above mode of cashless payment be implemented in collecting the Compounding Fees/Fines by the enforcement officials of Transport and Police Departments.

5. The Transport Commissioner has further stated that the Ministry of Road Transport & Highways, New Delhi in their letter dated 06.01.2020 has stated that the Attorney General of India has observed that, " the Motor Vehicles Act, 1988 (as amended by the Motor Vehicles (Amendment) Act, 2019) is a Parliamentary legislation, the State Government cannot pass any law / take executive action to lower the penalty / fine below that prescribed under the statutory provisions of the Motor vehicles Act, unless the assent of the President is obtained to such State law".



6. The Transport Commissioner has, therefore, requested orders on the following:-

(i) To exercise the powers to the below mentioned officers with the relevant sections for imposing and collection of fine amounts.

Sl. No. (1)	Officers (2)	Areas (3)	Sections Exercisable as per Table-II (Proposed) (4)
1.	All Police Officers not below the rank of Special Sub-Inspectors of Police, including Traffic Police.	Entire State of Tamil Nadu except the check posts of Transport Department.	All Sections, except sub-sections (1), (2) and (3) (a) and 3(b) of section 178, sub-section (2) of section 182, sub-section (1), (3) and (4) of section 182 (A), sub-section (1) of 192 A, sub-sections (1), (1A) and (2) of section 194 and section 194 A specified in Table-II.
2.	Motor Vehicles Inspectors (Non-Technical)	Check post of Transport Department	All sections, except sub-section (4) of section 182-A, sub-section (1)(i) and (1)(ii) of section 183, section 184, sub-sections (1) and (2) of section 194-B, section 194-C and 194-D.
3.	Officers of Transport Department not below the rank of Motor Vehicles Inspectors (Grade-II).	Entire State of Tamil Nadu except the check posts of Transport Department.	All the Sections of Table-II.

(ii) To revise the spot fines currently in force for traffic violations in pursuance of the amendments made by the Government of India.

(iii) Collection of Compounding Fees by cashless transaction through Electronically/ E-challan.

(iv) To authorize the enforcement officers to recommend the driving licence of the violator of Sections 183, 184, 189, 190, 194C, 194D, or 194E for disqualification / revocation under Section 19, to the licensing authority concerned as per Section 206 (4) of Motor Vehicles Act, 1988.

(v) The commencement of the notification may be given effect from the next day of the notification so as to make necessary changes in software and updation of fine amounts to avoid audit objections.

7. The Government after careful examination have decided to accept the proposal of the Transport Commissioner, Chennai. Accordingly, the Government direct that the compounding fees be revised as mentioned in Table-II of Appendix appended to this Order. The Government also direct that the officers mentioned in Table-I of Appendix be authorized to exercise the powers to check and collect compounding fees through electronic devices/e-challan. Further, the Government direct that the enforcement officer shall, if he has reason to believe that the driver of a motor vehicle has committed an offence under any of sections 183, 184, 185, 189, 190, 194C, 194D, or 194E, seize the driving licence held by such driver and forward it to the licensing authority for disqualification or revocation proceedings under section 19. Hence, the Government have decided to issue a fresh notification in this regard. Accordingly, the notification appended to this order will be published in the Tamil Nadu Government Gazette Extraordinary.

(BY ORDER OF THE GOVERNOR)

**K. PHANINDRA REDDY**  
**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

**To**

The Works Manager, Government Central Press, Chennai-79.

(for issuing of the notification in Tamil Nadu Government  
Extraordinary Gazette and to supply 200 copies of notification).

✓ The Transport Commissioner/Road Safety Commissioner, Chennai-5.

The Director General of Police, Tamil Nadu, Chennai-4.

All Commissioners of Police.

All Superintendents of Police.

(Through the DGP, Chennai-4).

All Joint Transport Commissioners / Deputy Transport Commissioners.

All Regional Transport Authorities.

All Regional Transport Officers.

(Through the Transport Commissioner, Chennai-5).

**Copy to**

The Special Personal Assistant to Hon'ble Minister for Transport, Chennai-9.

The Private Secretary to Additional Chief Secretary to Government,

Home, Prohibition & Excise Department, Chennai-9.

The Law Department, Chennai-9.

Stock File / Spare Copy.

//FORWARDED BY ORDER//

*S. G. Section Officer*  
**S.G. SECTION OFFICER**

*19/10/2022*

*19-10-22*



**G.O.(Ms) No.758, Home (Tr.VII) Department, dated 19.10.2022**

**APPENDIX.**

**NOTIFICATION.**

In exercise of the powers conferred by sub-section (1) of section 200 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) and in supersession of the Home Department Notification No. II(2)/HO/519/2011, published at pages 470 to 472 of Part II - Section 2 of the Tamil Nadu Government Gazette dated the 28<sup>th</sup> December 2011, as subsequently amended, the Governor of Tamil Nadu hereby authorizes the officers specified in column (2) of Table-I below in the areas specified in the corresponding entries in column (3) within their respective jurisdiction, in respect of the sections in column (4) thereof, to compound the offences committed under that Act as specified in column (2) of Table-II below and punishable under the corresponding sections specified in column (3) thereof, either before or after the institution of prosecution, for the amounts specified in the corresponding entries in column (4) thereof:-

**TABLE-I**

Sl. No. (1)	Officers (2)	Areas (3)	Sections (4)
1.	All Police Officers not below the rank of Special Sub-Inspectors of Police, including Traffic Police.	Entire State of Tamil Nadu except the check posts of Transport Department.	All sections, except sub-sections (1), (2) and (3)(a) and 3(b) of section 178, sub-section (2) of section 182, sub-sections (1), (3) and (4) of section 182A, sub-section (1) of 192A, sub-sections (1), (1A) and (2) of section 194 and section 194A, specified in Table-II.
2.	Motor Vehicles Inspectors (Non-Technical)	Check Post of Transport Department.	All sections, except sub-section (4) of section 182A, sub-sections (1)(i) and (1)(ii) of section 183, section 184, sub-sections (1) and (2) of section 194B, section 194C and section 194D, specified in Table-II.

3.	Officers of Transport Department not below the rank of Motor Vehicles Inspectors (Grade-II).	Entire State of Tamil Nadu except the check posts of Transport Department.	All the Sections specified in Table II.
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**TABLE-II**

Sl. No.	Nature of offence	Section under which the offence is punishable	Amount (Rs.)	
			First offence	The second and subsequent offence
(1)	(2)	(3)	(i)	(ii)
1.	Contravention of any provision of the Motor Vehicles Act, 1988 or of any rules made thereunder if no penalty is provided for the offence under the said Act.	177	500	1,500
2.	Failure to renew registration of Motor Vehicle.	177	500	1,500
3.	Failure to apply for re-registration within 12 months on removal of motor vehicle from other State.	177	500	1,500
4.	Failure of the transferor or transferee to report about transfer of ownership of motor vehicle within prescribed period.	177	500	1,500
5.	Willfully removing, altering, defacing or tampering with traffic signs.	177	500	1,500
6.	Violation of mandatory traffic signs.	177	500	1,500
7.	Leaving the motor vehicle in dangerous position at public place.	177	500	1,500
8.	Carrying person on running board or otherwise than within the body of the motor vehicle.	177	500	1,500



9.	Travelling on the running board or on the top of the bonnet of the motor vehicle.	177	500	1,500
10.	Allowing any person/ passenger to stand or sit or place anything in a manner as to hamper the control of driver.	177	500	1,500
11.	Allowing the motor vehicle to remain stationary without a licensed driver on the driver seat or stopping mechanism.	177	500	1,500
12.	Failure to produce Driving License, Conductor's License, Registration Certificate, Permit, Fitness Certificate and Insurance Certificate on demand.	177	500	1,500
13.	Failure to stop at unguarded Railway level crossing to ensure that no train or trolley is coming.	177	500	1,500
14.	Travelling in a stage carriage without having a proper pass or ticket or being in or having alighted from a stage carriage failure or refusal to present for examination or to deliver up the pass or ticket immediately.	178(1)	500	-
15.	Dereliction of duty on the part of the conductor of the stage carriage/the driver of a stage carriage performing the functions of a conductor in such stage carriage, who  (i) Fails or refuses to accept the fare/supply, (ii) Fails or refuses to supply a ticket after collecting the fare, (iii) Supplies an invalid ticket, (iv) Supplies a ticket of a lesser value and etc...	178(2)	500	-
16.	Refusal to ply the contract carriage or to carry the passengers of two wheeled or three wheeled motor vehicles.	178(3)(a)	50	-

17.	Refusal to ply or to carry the passengers in any other case.	178(3)(b)	500	-
18.	Disobedience of orders of the authority, obstruction of the discharge of duty by the authority and refusal to give information.	179(1)	2,000	-
19.	Giving false information to the authority concerned.	179(2)	2,000	-
20.	Allowing unauthorized persons to drive any motor vehicle.	180	5,000	-
21.	Driving a motor vehicle without driving licence in contravention of section 3 or section 4 of the Act.	181	5,000	-
22.	Offences relating to driving licence (Driving the motor vehicle by a person who is disqualified from holding or obtaining a driving licence or applying for or obtaining a driving licence without disclosing the previous endorsements)	182(1)	10,000	-
23.	Offences relating to conductor's licence (Acting as a conductor when disqualified from holding or obtaining conductor's license or applying for or obtaining a conductor's licence without disclosing the previous endorsements).	182(2)	10,000	-
24.	Being a manufacturer, importer or dealer of motor vehicles, selling or delivering or altering or offering to sell or deliver or alter a motor vehicle in contravention of the provisions of Chapter VII.	182A(1)	1 lakh per such Motor Vehicle.	-
25.	Selling or offering to sell or permitting the sale of any component of a motor vehicle notified as a critical safety component by the Central Government and which does not comply with Chapter VII of the Act or the rules and regulations made thereunder.	182A(3)	1 lakh per such component	-



26.	Being the owner of a motor vehicle, altering the motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the rules and regulations made thereunder.	182A(4)	5,000 Per such alteration	-
27.	Contravention of the provisions of section 62(A).	182B	5,000	-
28.	Driving at excessive speed, etc., (1) Whoever drives or causes any person who is employed by him or subjects someone under his control to drive in contravention of speed limit referred to in section 112.			
	(i) Light Motor Vehicle	183(1)(i)	1,000	-
	(ii) Medium or Heavy Motor Vehicle (Goods and Passengers)	183(1)(ii)	2,000	-
29.	Driving dangerously (rash and negligent driving) Use of handheld communication devices while driving.	184	1,000	10,000
30.	Driving a motor vehicle when mentally or physically unfit to drive.	186	1,000	2,000
31.	Using motor vehicle for racing (or) trials of speed on public road without proper permission.	189	5,000	10,000
32.	Driving or allowing to drive a motor vehicle in a public place violating the standards prescribed for road safety, control of air/noise pollution.	190(2)	10,000	10,000
33.	Using motor vehicle without registration.	192(1)	2,500	5,000
34.	Driving or allowing to drive a motor vehicle as transport vehicle without permit or in contravention of permit conditions.	192A(1)	10,000	10,000

35.	Driving a motor vehicle or crossing or allowing a motor vehicle to be driven in contravention of sections 113, 114 and 115 (exceeding permissible weight)	194(1)	20,000 and additional amount of 2,000 per tone of excess load.	-
36.	Refusal to stop the motor vehicle, refusal to submit it to weighing and removal of excess load prior to weighing.	194(2)	40,000	-
37.	Driving a motor vehicle or causing or allowing a motor vehicle to be driven in such a manner that the load or any part thereof extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit.	194(1A)	20,000	-
38.	Carrying of excess passengers in Transport Vehicle beyond the permitted seating capacity.	194A	200 per excess passenger	-
39.	Driving a motor vehicle without wearing safety belt and carrying passengers without wearing seat belt, except in the cases under the proviso to sub-section (1) to section 194B.	194B(1)	1,000	-
40.	Driving of a motor vehicle or causes or allows the motor vehicle to be driven with a child who having not attained the age of 14 years is not secured by a safety belt or a child restraint system.	194B(2)	1,000	-
41.	Driving of a motor cycle or causing or allowing a motor cycle to be driven in contravention of the provisions of section 128 of the Motor Vehicles Act, 1988 or the rules or regulations made thereunder.  (Excess persons in motor cycle beyond the capacity).	194C	1,000	-



42.	Driving a motor cycle or causing or allowing a motor cycle to be driven in contravention of the provisions of section 129 of the Motor Vehicles Act, 1988 or the rules or regulations made thereunder.  (Wearing of protective headgear by the rider and the pillion rider).	194D	1,000	-
43.	Failure to draw to the side of the road on the approach of an ambulance or fire service vehicle or other emergency vehicles, while driving a motor vehicle.	194E	10,000	-
44.	Blowing horn unnecessarily/ needlessly or blowing in prohibited areas or drives a motor vehicle which makes use of a cut-out by which exhaust gases are released other than through the silencer.	194F	1,000	2,000
45.	Driving a motor vehicle in contravention of section 146 of the Act. (Driving uninsured vehicles).	196	2,000	4,000
46.	Unauthorized interference with a motor vehicle. (Entry/tempering the mechanism of the vehicle)	198	1,000	-

2. This Notification shall come into force with effect on and from the 20<sup>th</sup> day of October 2022.

**K. PHANINDRA REDDY**  
**ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

//FORWARDED BY ORDER//

*S. G. Section Officer*  
**S.G. SECTION OFFICER**

19-10-22

*19/10/2022*