

**Government of West Bengal
Transport Department
Paribahan Bhavan
12, R. N. Mukherjee Road
Kolkata-700001**

No.4756-WT/TPT-18011/29/2022

Date: 01.12.2022

CIRCULAR

Whereas, Transport Department issued Notification No.5311-WT/TR/3M-80/2002 dated 23.11.2016 empowering Deputy Commissioners of Police (Traffic) of all the Police Commissionerates and Superintendents of Police of the Districts to act in terms of power conferred under Section 19 of the Motor Vehicles Act, 1988 as regards to disqualification of offending drivers from holding any driving license (Transport/ non-Transport) and/or to the revocation of such license, if it is found so necessary; and

Whereas, in the said Notification, the aforesaid police officers were also authorized to delegate such power to any police officer not below the rank of an Inspector of Police, having jurisdiction, in exigency; and

Whereas, some difficulties are being faced by the Licensing Authorities regarding disposal of some cases of suspension/revocation/cancellation of driving licenses recommended by police officers owing to lack of Standard Operating Procedures (SOPs) in this regard;

Whereas the Hon'ble High Court, Kolkata in W.P.A 14318 of 2022 observed that "**Section 2(20) of the Motor Vehicles Act, 1988 defines a "licensing authority" to mean an authority empowered to issue licences under Chapter II or Chapter III, as the case may be. Section 3 of the Act debars a person from driving a motor vehicle in any public place unless the person holds an effective driving license issued for the purpose of authorizing the person to drive the vehicle. Section 19 entitles the licensing authority to disqualify from holding a driving license or revoking a driving license. Section 19 lists 8 conditions (a-h) for disqualification or revocation of license upon satisfaction of the licensing authority and after giving the holder of the driving license an opportunity of being heard. The order passed by the licensing authority must also contain reasons and be given in writing. Section 19(1A) which was brought into effect from 2019 provides for a situation where a licence has been forwarded to the licensing authority under section 206(4) whereupon the licensing authority may either discharge the holder of a driving license or disqualify such person from holding or obtaining any license after giving him an opportunity of being heard.**"

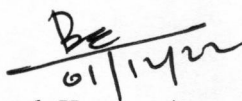
Now, therefore, the Governor is hereby pleased to issue the Standard Operating Procedures (SOPs) in connection with disqualification of a person from holding a driving license or revoke such license in terms of provisions of Section 19 of the Motor Vehicles Act, 1988 as follows:

Standard Operating Procedures (SOPs):

1. Police authority so empowered will sent recommendation with all relevant documents, copy of seizure list, case records and the seized driving license in original to the nearest RTO/ARTO office, within three working days of issuance of seizure list / e-challan.
2. Police authority so empowered recommending for suspension/revocation/cancellation of driving license, disqualification to drive etc. should sign the recommendation with his/her name and rank even if he/she is recommending under delegated power and shall not put signature for/on behalf of any superior officer.
3. On receipt of such documents, the RTO/ARTO will keep the documents in his custody with utmost care and maintain a register for the same. The RTO/ARTO shall remain responsible for maintenance and updating such register.
4. The concerned RTO/ARTO, after examination of such documents, if satisfied, shall cause temporary revocation/suspension of driving license within fifteen days of receipt of recommendation etc.
5. If not satisfied with the recommendation, then the RTO/ARTO shall call the offender for hearing under Section 19 (1A) of the Motor Vehicles Act, 1988 issuing notice with a copy to the recommending officer to enable him/her to give further evidence, if any.
6. After hearing, the concerned RTO/ARTO will make necessary endorsement in SARATHI portal within next fifteen days either by accepting or rejecting the recommendation of police authority.
7. The original document shall be returned to the offender after expiry of suspension/revocation period, if not cancelled, under proper receipt after making necessary entry in the system.
8. The RTO/ARTO shall send a detailed monthly report to the Director, Transport Directorate within 7 (seven) working days of the following month.
9. Proforma of Notice and Register etc. shall be finalized by the Director, Transport Directorate from his end and circulate to all concerned.

This will come into effect immediately.

By order of the Governor


(Binod Kumar)

Principal Secretary
to the Government of West Bengal