



R/P  
**WEST BENGAL HUMAN RIGHTS COMMISSION**

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Ref. No. 396/WBHRC/COM/1427/16-17

Date: 31.7.18

Recommendation No 8/WBHRC/2018-19/COM/1427/16-17

From: Shri Laima Chozah IAS,  
Secretary & CEO.

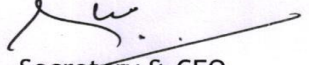
To: The Chief Secretary  
Government of West Bengal  
**NABANNA**  
325, Sarat Chatterjee Road  
Mandirtala, P.O.- Shibpur,  
Howrah-711102

Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 13.07.2018 made by the West Bengal Human Rights Commission for taking necessary action. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within 3(three) months.

Yours faithfully,

  
Secretary & CEO.

## NOTE SHEET

File No. 1427/WBHRC/COM/2016-17

Date: 13. 07. 2018

**Discussed**

Suo motu cognizance was taken by the Commission of a news item published by the Ananda Bazar Patrika on 10<sup>th</sup> January, 2017 under the caption 'রোগে গিয়ে মেরেছি স্বীকার অটোচালকের'

Report dated 16<sup>th</sup> May, 2017, called for from the Commissioner of Police, was received from which it appears that Gariahat P.S Case No. 8 dated 8<sup>th</sup> January, 2017 under Section 324 IPC has been started against the Auto driver Debasish Paul. After completion of investigation a charge sheet has also been submitted. Pursuant to an order passed by the Commission a photocopy of the driving licence of Debasish Paul has been received from which it appears that the driving licence was issued by the Licencing Authority, South 24-Parganas.

The matter was discussed in the Full Bench of the Commission. The Commission is of the opinion that mere criminal complaint is not enough. Steps should also be taken against the offending driver Debasish Paul under the provision of Section 19 of Motor Vehicles Act, 1988. Section 19 of the Motor Vehicles Act provides as follows:-

*" Power of licensing authority to disqualify from holding a driving licence or revoke such licence. (1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he*

- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

(f) *has committed any such act which is likely to cause nuisance or danger to the public, as may be prescribed by the Central Government, having regard to the objects of this Act., or*

(g) .....

(h) *being a person under the age of eighteen years who has been granted a learner's licence or a driving licence with the consent in writing of the person having the care of the holder of the licence and has ceased to be in such care, it may, for reasons to be recorded in writing, make an order -*

Authenticated

*Leima Chozah, I.A.S.*  
Secretary & C.E.O.  
West Bengal Human Rights Commission  
&  
Principal Secretary to the Government of West Bengal

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COMMISSION  
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- (i) *disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence;*
- or
- (ii) *revoke any such licence.*

Assault on Passengers constitutes an act of nuisance or danger to the public under Rule 21 of the Central Motor Vehicles Rules 1989. The aforesaid rule provides for disqualification of a driver after giving him an opportunity of hearing.

The Commission, prima facie, is satisfied that the offending driver Debasish Paul has committed nuisance which is dangerous to the public and therefore Licencing Authority, it is recommended, should take steps against the said Debasish Paul for revocation or suspension of his driving licence as the Licencing Authority may think fit and proper after giving him an opportunity of hearing. The matter is thus disposed of.

Principal Secretary, WBHRC to communicate the authenticated copy of recommendation to the Chief Secretary, Govt of West Bengal for taking appropriate action for implementation of recommendations and he is requested to communicate action taken report on the recommendations to this Commission within 3 months.

Ld. Registrar, WBHRC is directed to upload the order in the website.

**Authenticated**

*[Signature]*  
**Lalima Chozah, I.A.S.**  
 Secretary & C.E.O.  
 West Bengal Human Rights Commission  
 &  
 Principal Secretary to the Government of West Bengal

*[Signature]*  
 (Justice Girish Chandra Gupta)  
 Chairperson

*[Signature]*  
 (Naparajit Mukherjee)  
 Member

*[Signature]*  
 (M. S. Dwivedy)  
 Member

*we may send it to CS, as directed, first.*  
*[Signature]*  
*23/7/16.*

SDB