

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)(PIL) No.09/2018

Arnab Roy

----Petitioner-in-person(s)

Versus

The Joint Transport Commissioner and others

-----Respondent(s)

For Petitioner-in-person : Mr. Somik Deb, Amicus Curiae,
Ms. R. Chakraborty, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharjee, G.A.,
Mr. Mangal Debbarma, Addl. G.A.,
Mr. Arijit Bhowmik, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

Order

05/04/2022
(*Indrajit Mahanty, C.J.*)

Heard Mr. Somik Deb, learned amicus curiae appearing for the petitioner-in-person and learned Government Advocate Mr. Debalay Bhattacharjee for the respondent-State as well as learned counsel Mr. Arijit Bhowmik appearing for the Agartala Municipal Corporation.

2. The safety and security of pedal rickshaws which are powered by battery is the main issue of contention, especially since unregulated/unregistered plying of rickshaws in Agartala in particular and Tripura in

general, has led to severe accidents and safety and security of both the passengers as well as the rickshaw pullers are at stake.

3. Admittedly, the requirement for registration of rickshaws falls under the Tripura Rickshaw Regulation Act, 2014 and is also governed by the Tripura Rickshaws Regulation Rules, 2019. Specifically, Regulations 16 and 32 which are relevant for our purpose are noted as under:

“16. Registration of rickshaw:-

(i) No rickshaw shall be registered under the Act and these Rules, if it is-

- (a) fitted with a battery or any other electrical device, which is powered exclusively by an electric motor, the thirty minutes power of which is not less than 0.25 kW, or
- (b) the maximum speed of the rickshaw is more than 12 km/hour, and
- (c) not fitted with suitable brakes and retro-reflective devices, prescribed in these rules;

(ii) An application for registration of rickshaw shall be made to the registering authority in Form-4, within a period of seven days from the date of taking delivery of such rickshaw, excluding the period of journey and shall be accompanied by-

- (a) proof of present and permanent address (PRC), issued by appropriate government authority,
- (b) Certificate for Installation of Speed Limiting Device in case of padel rickshaw fitted with battery,

(iii) Bona-fide owner of rickshaw will be issued with driving license and Driving license will be issued against 01(one) rickshaw only;

(iv) Bona-fide license holder should get Registration. In no circumstances more than one registration should be made against one person.

32. Speed Limit:-

(i) The maximum speed of a rickshaw shall not exceed 12 (twelve) kilometers per hour and shall be fitted with an instrument so constructed and fixed in such a position as to indicate to the driver of the rickshaw the speed at which it is travelling and the speed governor of every such rickshaw shall be so set that the rickshaw is incapable of being driven at a speed in excess of the maximum preset speed;

(ii) No person shall drive or draw a rickshaw or cause or allow a rickshaw to be driven or drawn in any public place at a speed exceeding 12 (twelve) kilometers per hour;

(iii) Any violation of the speed limit shall invite cancellation of registration;

(iv) It shall be mandatory to install a speed controlled device on every three-wheeled cycle rickshaw fitted with battery, with such seal so as to make it tamperproof to control the speed of such rickshaws fitted with battery;

(v) The technical expert agencies shall be empanelled by the concerned Municipality for installation and certification of

speed limiting device on all such three-wheeled cycle rickshaw fitted with battery;

(vi) The Municipality shall be able to hire Empanelled Expert Technical Agencies to issue Speed Limitation Certificate to such three-wheeled cycle rickshaw fitted with battery, after installation of speed limiting device to the rickshaw to control the speed to a maximum of 12 (twelve) km per hour, on payment such a fees, as notified by the concerned Municipality;

(vii) Non availability Speed Limiting Certificate in case of pedal rickshaws fitted with battery or pedal rickshaws without battery.”

4. We are clearly of the considered view that it is essential that unregistered rickshaws are plying throughout the State of Tripura and, therefore, consequently unregulated. We, therefore, direct the respondent-State as well as Agartala Municipal Corporation and all other Municipal Councils and bodies to immediately ensure that unregistered rickshaws must be prevented from plying. We further direct that necessary registration be effected in accordance with the rules framed by the State thereunder, provided strict compliance of the regulations are made at the time of registration and frequent inspection is also required to be carried out to

ensure that compliance is made even while operating the rickshaw in the interest of the rickshaw puller and of the public.

5. With the above observations, the public interest litigation stands disposed of.

Pending application(s), if any, also stands disposed of.

(S.G. CHATTOPADHYAY), J

(INDRAJIT MAHANTY), CJ

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