A

NANHU & ORS. ETC.

v.

DELHI ADMINISTRATION & ORS.

August 5, 1980

B

[V. R. KRISHNA IYER, R. S. PATHAK AND O. CHINNAPPA REDDY, JJ.]

Cycle-Rickshaw Bye-Law 1960—*Bye-Law* 3(1) *Cycle Rickshaw Drivers—Court Framing Scheme.*

The Delhi Municipal Corporation which framed the Cycle Rickshaw Bye-Law of 1960 under section 481 of the Delhi Municipal Corporation Act, 1957 C amended Bye-law 3 in 1976 to provide that 'no person shall keep or ply for hire a cycle rickshaw in Delhi unless he himself is the owner thereof and holds a licence granted in that behalf'.

In writ petitions challenging the provision :

HELD :

D

In *Azad Rickshaw Pullers Union Amritsar & Others* v. *State of Punjab & Others*, [1981] 1 SCR 366 a scheme had been worked out to help the rickshaw pliers of Amritsar Municipality to become owners of cycle rickshaws. [374 A-B]

2. The Delhi Administration will effectively publicize and notify applications for licences for plying of cycle rickshaws and all those who apply will be considered on their merits including length of service as cycle rickshaw pliers. The criteria that the Delhi Administration will adopt must be reasonable and relevant. E [374 D]

3. On the basis of reasonable criteria the Delhi Administration will direct the concerned Municipal authorities to grant licences for plying rickshaws and if the applicants so chosen are not owners themselves all the facilities indicated in the Amritsar order will be extended to such cycle rickshaw pliers fixing reasonable time limits. [374 F]

F

ORIGINAL JURISDICTION : Writ Petition Nos. 841 and 728/1980.

(Under Article 32 of the Constitution.)

R. S. Sharma and *S. M. Ashri* for the Petitioner in WP Nos. 841 and 728/80.

G

K. Parasaran, Sol. Genl. *B. P. Maheshwari* and *Suresh Seth* for the RR in WP Nos. 841 and 728.

The Judgment of the Court was delivered by

KRISHNA IYER, J.—We have disposed of today applications from cycle rickshaw pliers of Amritsar Municipality where a scheme has H been worked out to help them become owners of cycle rickshaws. A

A similar scheme, says the Solicitor-General appearing for the Delhi Administration, will be extended to the Delhi territory. We, therefore, annex a copy of the judgment in Writ Petitions Nos. 839 of 1979 and 563 of 1979—*Azad Rickshaw Pullers Union, Amritsar and others* v. *State of Punjab & Others and Nanak Chand and Others* v. *State of Punjab and Others*, respectively to this judgment.

B

There is another problem which arises in these two cases and that is that the Delhi Administration has put a ceiling on the total number of cycle rickshaws permissible to be plied within its territory perhaps—we do not know for certain—this number may not accommodate all the applicants for cycle rickshaws applying licencees. We are told C that apart from the applicants in this Court under Article 32 of the Constitution, there are numerous petitioners who have approached the High Court of Delhi under Article 226 of the Constitution and yet others who have filed suits in civil courts for the same relief. All that we can do is to accept the suggestion made by the learned Solicitor-General that the Delhi Administration will effectively publicize D and notify applications for licencees for plying of cycle rickshaws and all those who apply will be considered on their merits including length of service as cycle rickshaw pliers. The criteria that the Delhi Administration will adopt must be reasonable and relevant; otherwise it will be open to the aggrieved parties to challenge the selection. Likewise we do not want to fetter the rights of parties aggrieved if the E ceiling upon the total number of rickshaws permissible within the Delhi territory is arbitrary.

On the basis of reasonable criteria the Delhi Administration will direct the concerned Municipal authorities to grant licences for plying rickshaws and if the applicants so chosen are not owners themselves F all the facilities we have indicated in the Amritsar order will be extended to such cycle rickshaw pliers fixing reasonable time limits. With these directions we dispose of the applications. Until fresh licences are issued by the Delhi Administration and the Municipal authorities the present petitioners will be allowed to ply their cycle rickshaws.

N.V.K.