

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Gulzar Ahmed
Mr. Justice Dost Muhammad Khan

C.P.No.423-K of 2015, CMAs No.759-K & 1007-K of 2015 in
C.P.No.423-K of 2015 and C.P.No.472-K of 2015

Association for the Welfare of Owner & Staff of Qingqi (in C.P.No.423-K, CMAs No.759-K & 1007-K)

All Karachi Qingqi Rickshaw Welfare Association (in C.P.No.472-K)
Petitioner(s)

VERSUS

Province of Sindh and others. (in C.P.No.423-K, CMAs No.759-K & 1007-K)

Ghulam Qadir Thebo and others. (in C.P.No.472-K)
Respondent(s)

For the Petitioner (s)
(in CP 423-K & CMA1007-K) : Syed Abdul Waheed, ASC
(in CP 472-K) : Mrs. Abida Parveen Channar, ASC

For the Applicant(s)
(in CMA 759-K) : Mr. Muhammad Munsif Jan, ASC

For the Intervener : Mr. Rasheed Afzal Cheema, ASC

For the Respondent (s) : Mr. Sajid Illyas Bhatti, DAG
Mr. Abdul Jabbar Qureshi, A.G. Sindh
Mr. Yar Muhammad, Focal Person,
Transport Department, Govt. of Sindh.
Mr. Mudassar Iqbal, Secretary, Excise &
Taxation Department, Sindh.
Mr. Ghazanfar Ali Qadri, Secretary,
Provincial Transport Authority, Sindh.
Mr. Muhammad Ahsan Malik, S.P. Traffic on
behalf of DIG, Traffic, Karachi.

Date of Hearing : 06.01.2016

ORDER

The menace of plying of Qingqi Rickshaws, which are not specified, standardized and fit according to Motor Vehicle laws, rules and notifications, is not germane only to the Province of Sindh but to all Provinces

against the illegal plying/operation of Qingqi Rickshaws. The relevant portion of the impugned judgment is as follows:-

"8. Accordingly, the aforesaid petitions being C.P.Nos.D-4166/2013, 4184/2013 and 4753/2013 filed on behalf of Qingqi Rickshaw Owners Welfare Association, are hereby dismissed along with listed applications with cost of Rs.10,000/- (Rupees ten thousand) each, to be deposited in the account of High Court Clinic. Consequent to dismissal of above petitions, the petition being C.P.No.D-3974/2012 filed on behalf of United Human Rights Commission Pakistan is allowed. Whereas the official respondents i.e. respondent No.1 to 9 are directed to take immediate legal action against all such illegal Qingqi Motorcycle Rickshaws (three wheelers), which are plying on the roads with impunity and without any fitness certificate, route permit and registration certificate. Such action may include issuance of challans, imposing fine and also impounding of such illegal vehicles in accordance with law, rules and regulations. Thereafter, compliance report shall be submitted to this Court through MIT within two weeks from the date of this judgment. It is further directed that unless the petitioner(s) obtain the requisite fitness certificate, route permit and registration with the concerned authorities i.e. Transport Department and the Motor Vehicle Registration Wing, after complying with all the legal formalities, the respondents shall continue to take action against such delinquent vehicle owners in accordance with law and to submit further compliance report every month thereafter. However, it is clarified that such action shall be taken strictly in accordance with law, rules and regulations against such Qingqi Motorcycle Rickshaw (three wheelers) which do not comply with the Motor Vehicle Ordinance, 1965, Motor Vehicle Rules, 1969 or any other law for the time being in force by any Federal or Provincial enactment relating to public vehicles.

9. Let a copy of this Judgment be circulated to the Chief Secretary, Government of Sindh, Home Secretary, Government of Sindh, Secretary, Transport and Mass Transit Department, Government of Sindh, Commissioner/Administrator, Karachi, concerned DIG/SP (Traffic), who shall ensure that immediate legal action shall be taken against such illegal Qingqi Motorcycle Rickshaws which are plying on public roads and highways of Karachi and other big cities of province of Sindh, without any route permit, fitness certificate and registration, whereas, all possible assistance shall be provided by the law enforcing agencies, including Rangers, if so required by local or provincial administration in this regard."

Against the above judgment, these petitions have been filed in this Court, in which on 03.09.2015 the following order was passed :-

Provincial Transport Authority has taken place for resolving the issue of plying of Qingqi Rickshaws.

There seems to be some issues with regard to the structure of Qingqi Rickshaws and also its registration inasmuch as the Provincial Transport Authority's point of view is that Qingqi Rickshaws should meet the requirement of rules, specification and should not be for more passengers than 4+1. They say that Qingqi Rickshaws carrying 9 or 12 passengers are not against the rules but they are dangerous vehicles and are cause of constant serious accident on the roads.

National Sales Manager of M/s Saigols Qingqi Motor Ltd. is in attendance, who claims that his company is only authorized manufacturer of Qingqi Rickshaws in Pakistan and that Qingqi Rickshaw, being manufactured by his company, is according to rules, specification and also meets all necessary standard as provided by various Government Departments.

In the circumstances we direct the Secretary, Transport, Government of Sindh to arrange a meeting with all stakeholders together including Authorized Representative of Qingqi Rickshaw Owners Association, Qingqi Rickshaw Manufacturing Company, AIG Traffic, Representative of Excise and Taxation Department, Representative from Pakistan Standard Quality Authority, Pakistan Engineering Council, Pakistan Engineering Board and Head of Department of Automotive Engineering of NED University, Karachi. All these person will undertake the exercise of resolving the controversy on the structure and capacity of Qingqi Rickshaws and also on their fitness and registration for plying on the roads. The Secretary will ensure that issue is resolved as early as possible but positively within a period of two weeks and a report in this regard under his hand will be submitted to this Court for our examination in Chamber. Adjourned. To be fixed in the next session."

Pursuant to the above order, the Secretary to Government of Sindh, Transport Department, has filed a comprehensive report by way of CMA No.698-K of 2015. In the face of above report of the Secretary, it is essential that each and every Qingqi Rickshaw operating not only in the Province of Sindh but all over Pakistan should be inspected and verified by the respective Transport Departments of all the Provinces in order to bring them in conformity with the standard and specification, as laid down by the law, rules and notifications and only after they are declared and certified in all respect to be fit according to the law, rules and notifications. they be registered and permitted to ply on roads.

made available for our perusal in Chambers. The owners of Qingqi Rickshaws and their operators should be informed of the exercise of inspection and such be communicated to them through all modes of publicity including the electronic and print media. All those who are concerned with this exercise will provide full cooperation and assistance and the Government shall ensure that all Qingqi Rickshaws which are plying and operating on the roads have been declared and certified as specified, standardized and fit with registration and route permit and that the drivers of Qingqi Rickshaws are duly licensed. A copy of this order be sent to the Advocate Generals of all Provinces as well as to all the Provincial Secretaries of Transport Departments, for making strict compliance.

2. To be fixed after three months.

Bench-V
ISLAMABAD
06.01.2016
NOT APPROVED FOR REPORTING
Hashmi/*

SAY NO TO CORRUPTION.

OFFICE OF THE SECRETARY,
PROVINCIAL TRANSPORT AUTHORITY, SINDH
Sindh Secretariat No.3 Annexe, Moulana Wafai Rd,
Near Arts Council,
Karachi, dated the 13/10/2016

ORDER.

In pursuance of the orders dated: 6.1.2016 passed by the Honourable Supreme Court of Pakistan passed in Civil Petition No. 423-K of 2015, the following specification of Qingqi / Motorcycle Rickshaws approved by the Committee and the same was submitted before the Honourable Supreme Court of Pakistan.. The Owners / Operator are required to manufacture / convert their Motorcycle Rickshaws with the following approved specifications of Qingqi Motorcycle Rickshaws (4+1 seats) from the approved Companies / Body Makers from P.T.A. Board within 90 days.

| S. NO. | DESCRIPTION. |
|--------|--|
| 1. | Qingqi / Motorcycle Rickshaws below 100cc may not be allowed and only 4+1 seater can be permitted as already approved by PTA Board for Motor Cab Rickshaw. |
| 2. | Rear & Front safety guard shall be installed for the safety of travelling public. |
| 3. | Maximum Reverse Lock / break shall be installed. |
| 4. | Turning circle shall be in good condition for the safety of public and rear lights shall be in working conditions. |
| 5. | The Motorcycle Rickshaw should be factory assembled vehicles with reasonable gage of the vehicle. |
| 6. | Small gates shall be installed for entrance and exit. |
| 7. | The roof and front screen / glass is given protection to the passengers. Left & Right glass mirrors shall also be installed. |
| 8. | A simple partition be constructed between the drivers and passenger seats. |
| 9. | Motorcycle rickshaws, mechanical brakes fitted in rickshaws, system be replace with hydraulic brakes for the safety of passengers. |
| 10. | Chain Cover be immediately installed. |
| 11. | Rear wheels should be standardized as per CNG Vehicle's wheel size. i.e. tyre size should be front 22" and rear 16" |
| 12. | Balance should be correct. |

In view of above, any document issued in favour of Qingqi Motorcycle Rickshaw be treated as withdrawn and no such vehicle be allowed to operate on road forthwith.

SECRETARY, 13/10/16.

Provincial Transport Authority, Sindh,
Karachi.

Copy forwarded for information and necessary action / strict compliance to: -

1. The Secretary to Government of Sindh, Information Department with a request to publish in Print and Electronic Media for information of the general public.
2. The Inspector General of Police, Sindh, Karachi

3. The Commissioners of the Division (All in Sindh)
4. The Additional Inspector General of Police, Karachi.
5. The Deputy Inspector General of Police, Traffic, Karachi.
6. The Deputy Inspector General of Motorway Police, Sindh, Range, Karachi.
7. The Deputy Commissioner of the District / Chairman DRTA, Board.
8. Engr. Dr. Prof. Mir Shabbar Ali, NED University of Engineering & Technology.
9. The Pakistan Standard Quality Control Authority.
10. The Engineering Development Board.
11. The Director, Transport & Communication, KMC, Karachi.
12. Deputy Director, Excise & Taxation, Department.
13. The Motor Vehicle Inspectors.
14. The Private Secretary to Honourable Minister for Transport, Sindh, Karachi.
15. The Private Secretary to Secretary to Government of Sindh, Transport & Mass Transit Department / Chairman PTA Board, Karachi.
16. The Secretary, District Regional Transport Authority (All).
17. The National Sales Manager, Plum Qingqi Motors Limited.
18. The President, Association for the Welfare of Owners & Staff of Qingqi Rickshaw Association (Petitioner).
19. The President, All Karachi Qingqi Rickshaw Welfare Association.
20. The All Karachi CNG Auto Rickshaw Welfare Association.

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SECRETARY,
Provincial Transport Authority, Sindh,
Karachi.