

BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA

Complaint No. 02 of 2023

Suo-Motu Cognizance

Against

Director, MBB, Airport Authority Agartala

**Complaint regarding collection of entry fees etc.
from passengers to MBB Airport**

FINAL ORDER DATED 02.12.2023

1. A news item was published in a daily newspaper namely “Dainik Sambad “ dated, 06-03-2023 with the heading “যাত্রী নিয়ে গাড়ি প্রবেশে ফিস আদায়, ক্ষোভ”. It was reported in the news paper that some non-government organizations have been authorized by the Airports Authority of India and those organizations have been collecting fees/charges from non-commercial and commercial vehicles (3-wheelers and 4- wheelers) most unusually and without any rhyme or reason and thus caused immense hardship for the common air passengers who are the end users.

The allegations of collecting fees/charges by the M.B.B. Airport Authority through private organization at their whims appeared to be violation of human rights of the common passengers of the State and hence, the Commission thought it appropriate to take cognizance of the alleged facts and accordingly the Director, MBB Airport Authority, Agartala was asked to submit detail report in respect of allegation made in the news item, before the Commission.



2. Accordingly Mr. K. C. Meena, Director, MBB Airport, Agartala has submitted report stating that as per tender policy of Airport Authority of India, M/S Lovelin Enterprises, a private entrepreneur, is the authorized agency to carry out the business of car parking and lane management at MBB Airport, Agartala. As per prevailing system only commercial vehicles when enter to Airport must pay "access/entry fee" @ Rs.30/- (Rupees thirty) only. The private vehicles are not required to pay any "access/entry fees".

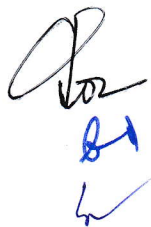
It is also reported that the "dwell time" for commercial vehicle in the lane is 5 minutes and all private vehicles have been given a grace of "dwell time" beyond which the private vehicles may stay in the designated car parking area on payment of parking fee.

3. The allegations as reported in the news paper is that Airport Authority is charging entry fees from the private vehicles also and in this respect Airport Director remained silent specifically about the alleged collection of "access/entry fee" from the private vehicles. The report was also not specific about grace of "dwell time".

4. Considering all the shortcomings of the report, the Commission passed an order directing the Investigation Wing of the Commission to inquire into the matter and submit report on the following points :-

i) Whether any entry/access fee is collected by the Airport Authority through their authorized agent from the private vehicles.

ii) What is the grace of "dwell time" given to the private vehicle to remain in the lane?



iii) Whether money receipt is given to all the commercial and non-commercial vehicles mentioning specifically the charges head wise (access fee, time of car parking and the charges corresponding to time).

iv) Whether notice is displayed at the entry point of Airport Complex, gate of car parking zone and also at the exit point in respect of details of collection of car parking fees and access/entry fees.

v) Whether any receipt is given to all the commercial and private vehicles mentioning the time of entry and exit from the car parking area.

vi) Name of designated officer of MBB Airport to whom any grievances in respect of illegal collection of entry/access and car parking fees from the vehicles can be addressed and the type of action that will be taken against M/S Lovelin Enterprises.

5. Accordingly the Investigation Wing enquired the matter and submitted report.

It appears from the report of Investigation Wing that agency employed by Airport Authority to collect "access/entry fee" and parking fee of the vehicle has/ had been collecting such fees from non-commercial vehicles and /or private vehicles at random which are entering in the arrival area for the purpose of dropping or picking up of their relatives or family members.

6. For confirmation of the alleged fact the Commission thought it appropriate to examine the Director, Airport Authority of MBB Airport. Accordingly Mr.K.C.Meena, Director MBB Airport appeared before the Commission whose statement was recorded on oath.



The on oath statement of Mr.K.C.Meena is quoted below:-

" Shri Kailash Chander Meena, S/O Late Sh.S.N.Meena of Qtr.No.18, AAI Residential Colony, MBB Airport, Agartala aged about 55 years, by profession - Airport Director and my educational qualification is AMIE (Electrical), MBA, hereby on oath say as follows:-

M/S Lovelin Enterprise, a private entrepreneur has been authorized by the Airports Authority of India (AAI) to carry out the business of car parking and lane management in the MBB Airport Agartala.

There is an Agreement in between Lovelin Enterprise and AAI in respect of the car parking and lane management inside the MBB Airport. We have already submitted a copy of the Agreement to the Investigation Wing of the Commission.

The AAI has domain to look after and manage the affairs inside the airport area and so far as the rights of citizens under Chapter-III of the Constitution, I can say has not been violated.

So far for entry through the main gate of the airport, entry fees are not required to be paid there at the entry gate. But for entering inside the airport and when the vehicle reached the arrival area i.e in front of the terminal building for either dropping the passenger or picking up the passengers, every commercial vehicle has to pay Rs.30/-.

For private vehicle, whether entering in the arrival area for dropping or picking up passengers, no charge is required to be paid.

The dwell time for commercial as well as non-commercial vehicle is 05 (five) minutes.

The witness further says, after reaching the arrival area, the count of dwell time starts. It is 03 (three) minutes for dropping or picking up the passengers and 02 (two) minutes is counted from entry point to arrival point. A vehicle after picking up the passenger has to leave the airport and that is managed according to the terms of agreement and for such exit, the time is not taken into consideration for charging the fees.

For intentionally obstructing the lane by a vehicle while leaving the airport after picking up the passenger, if such intention is found from the behavior of the vehicle penalty is imposed.

Time is recorded at the entry point but at the arrival or departure point there is no mechanism of recording time taken from that point to the exit point.

I cannot say exactly how the agency is classifying commercial and non-commercial vehicles and what method they are applying for it.

Rate of penalty for over stay i.e. beyond the dwell time in the lane, are charged in terms of the agreement. The penalty shall be in terms of agreement at Page-24 (Running Page-77). Parking fee is charging in terms of agreement at page 56 (Running Page-109) of the agreement.

For elderly people, differently abled people, patients, lactating mothers, pregnant women etc. there is no concession in respect of dwell time in the agreement.

W.V - We will definitely take up the issue with the authority in case of necessity.

We have displayed Notice Board informing the dwell time and lane management procedures at the entry point and in front of the terminal building.

We agree that every institution in a democracy has to work in a pro-people attitude so that nobody is harassed. We are aware and so far the steps are taken by the airport authority to take care of the passengers.

It is not within our knowledge that the agency is collecting/ charging fees and or penalty at random from all types of vehicles.

No entry/access fee is required for private vehicle. Entry /Access fee is Rs.30/- for commercial vehicle.

There is no separate display board saying that a private vehicle does not require to pay access fee.

W.V.- No negative display board is required to be placed.

There is no separate mechanism for entry into the parking area and exit from parking area.

We are not aware that the agency is collecting entry fees or charging parking fees etc. at random from all types of vehicles.

W.V.- Agartala airport has been categorized by Airport Council International (ACI) as a Level-2 Certification and Agartala Airport is categorized within 10th best airports in its category".

7. The admitted positions that are revealed from the on oath statement of Sri K.C.Meena, Director, MBB Airport, Agartala are noted as follows:-

(A) "access/entry fee of Rs.30/- .

i) No entry/access fee of Rs.30/- is required to pay by private vehicles for entering in the arrival area for dropping or picking up passengers.

ii) Director, MBB Airport is not aware of collecting entry fee at random from all types of vehicles.

iii) There is no separate notice board saying that private vehicles do not require to pay access/entry fee.

(B) Dwell time in front of the terminal building:-

i) Dwell time for commercial as well as non-commercial vehicles is 05 (five) minutes.

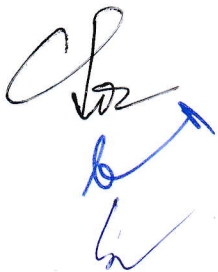
ii) The dwell time starts after reaching the arrival area i.e in front of the terminal building for dropping /picking up the passengers and it is 03 minutes.

iii) Rest 02 minutes is counted from entry point to arrival point which is outside the part of dwell time and no charge is to be paid by the private vehicle for this 02 minutes time.

iv) For over stay beyond dwell time in the lane, penalty is to be paid in terms of agreement.

v) Time required from lane to exit point is not taken into consideration for charging any fee.

vi) There is no mechanism to record time taken from entry point to infront of terminal building (arrival area), dwell time and time taken from lane to exit point.

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i) There is no separate mechanism to record time for entry into the parking area and exit from parking area. Parking fee is charged in terms of agreement, at page 56 (Running Page-109) of the agreement.

(D) About Senior Citizen etc.:-

For elderly people, differently abled People, Patients, Lactating/Pregnant woman etc., there is no concession in respect of dwell time.

8. It is reported in writing by Commission's Investigation Team that parking fee of Rs.50/- is collected at random by MBB Airport from private/ non-commercial vehicles and in this respect series of receipts of private vehicles are enclosed. Those receipts are shown to the Director at the time of recording his statement when he could not give any satisfactory reply for collecting Rs.50/- as parking charge.

There is nothing in the schedule of "parking Tariff and access fee" for charging Rs.50/- as parking charge. Moreover, there is no mechanism to record time of entry into the parking area and exit from parking area. There is no basis for collecting Rs.50/- as parking charge. As such we are constrained to opine that the charging of Rs.50/- as parking fee from all the non-commercial/private vehicles is totally illegal and violation of human rights. The Director, as it appears, has no knowledge of collecting of Rs.50/- as parking charge at random from private vehicles. It shows that the Lovelin Agency were/are allowed to collect charge at their whims giving good bye to the rules framed under the agreement. The Director MBB Airport must be having effective control & Supervision over the agency so that people are not harassed and the agency is not unlawfully enriched. They

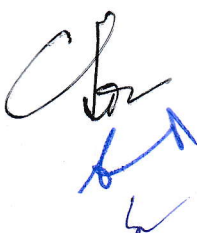
not harassed and the agency is not unlawfully enriched. They ought to display separate notice board that private/ non-commercial vehicles are not required to pay any entry/access fee for fairness and transparency.

9. So far as dwell time is concerned, there is no mechanism to record the time in the lane and so it is found that the agency is allowed to impose penalty for over stay in the lane and that is within the knowledge of the MBB Airport, Authority. That amounts to abatement/negligence in preventing violation of human rights.

10. Time taken from entry point to arrival area and arrival area to exit point is not taken into consideration for charging fee as stated in his deposition. But fact reveals that time is also counted at the exit point for charging fee as nothing reveals from the receipt in respect of the time mentioned above. Total time from entry point to exit point are counted for charging fee of Rs.50/- which is totally illegal and amounts to violation of human rights.

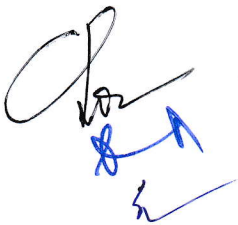
11. There is no mechanism to record the time of entry into parking zone and exit from the parking zone as stated by the Director in his on oath statement. In such a position, how parking charge of Rs.50/- is charged at random from all the private vehicles without seeing the parking time, is very difficult to understand. Director, MBB Airport also fails to give any answer to this point. In view of the above facts, supported by Commission's Investigating Team report, we are of the opinion that collecting parking fees of Rs.50/- from private vehicles is totally illegal and amounts to violation of human rights.

12. It is also deposed that there is no concession in respect of dwell time for the elderly people, differently abled people,



humanitarian ground, concession in respect of dwell time should be given to all those persons. No concession of dwell time amounts to defying the right to life with dignity and comes within the ambit of violation of human rights.

13. The material placed on records including that of the report of Investigation Wing of the Commission, the written response submitted by the Director, Airport , Authority, Agartala and the on oath statement recorded by the Commission, it appears that Airport Authority of India is a statutory body and in exercise of its power as prescribed in the Airports Authority of India Act 1994 as amended time to time, the AAI has entered into an agreement with the agency namely: M/S Lovelin Enterprise, a private entrepreneur, to carry out the business of car parking, lane management etc. in the MBB Airport, Agartala. The agreement between the Airports Authority of India (for short AAI) and the private entrepreneur has got an essence of legal standing and so the Commission has examined the clauses incorporated therein. Under that agreement, the private entrepreneur has not been given any free hand or unfettered power to deal with the people entering with vehicle in the Airport according to their whims & caprice. The private entrepreneurs were bound and under obligation to strictly follow the terms of agreement and the law of the land. In our democratic set up of an welfare Government, nobody is above law. Every action or inaction has to be in accordance with law.



There is no quarrel that the management of all affairs inside the Airport is the absolute domain of Airport Authority of India or the agencies lawfully engaged by it to manage all or any of the activities. Those have to commensurate with the interest of the people in accordance with law. Agartala Airport is dealing with the common man of the state and if it is found that any right of the common man which comes under the purview of definition of human rights is violated by an agency appointed by the Airport Authority, the liability of the Director of Airport Authority of the Agartala Airport cannot be ignored.

While the management of affairs of Airport passenger is the Authority of AAI, it has got the responsibility of looking into the rights and liability of the private entrepreneur as well as common man using the Airport. It has to be kept in mind that the state mechanism has set up the Airport for public good and no branch of it should be allowed to use the institution or authority as a profit earning mechanism.

Lots of materials collected by Investigation Wing show that the private entrepreneur are collecting charges at random from all kinds of vehicles entering in the Airport, while the agreement speaks otherwise. The Commission cannot shut its eyes to the happenings on which the common man has got lot of grievance. It is the solemn obligation and statutory duty of the Director of the Airport Authority, Agartala to supervise, manage and control the private entrepreneur in respect of carrying out

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of business of car parking and lane management inside the Airport. If there is any lapse, obviously action in accordance with law will commence and the people have got the right to criticize and take appropriate action accordingly to law.

14. In view of the discussion made above, Commission recommends that henceforth random collection of parking charge @ Rs.50/- from the vehicles should be stopped. Otherwise, appropriate compensation may be directed to be paid to the victims by the MBB, airport authority.

15. In view of the materials available on record and the observation made above the following re-commendation are made which need to be complied by the concerned authority /agency:-

i) The Director of Airport Authority, Agartala shall arrange display of boards at entry points and exit points specifying the details of parking tariff and excess fees of the vehicles, the rate, dwell time thereof etc.

ii) In front of parking zone there should be a display board specifying parking fees and time spent in respect of the commercial, private and other types of vehicles.

iii) For the purpose of proper lane management also there shall be display board mentioning dwell time of private vehicles entering in the Airport with the passengers or leaving Airport with the outgoing passengers.



iv) What shall be the total dwell time of the private vehicles carrying a passenger in the Airport and going out from the Airport?

v) There shall be a time book at the entry point as well as exit point which shall record the entry time and exit time of the vehicles including the type of vehicle.

vi) CC TV camera should be there at the entry point and exit point to identify the vehicles as well as its time of entry and exit.

vii) The money receipt issued by the agency must be having with columns mentioning entry time and exit time as well as dwell time of the private vehicle.

viii) The classification of vehicles in terms of the Motor Vehicle Act and Rules should be displayed so that there is no confusion about charging of fees.

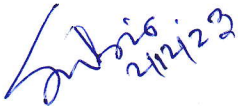
ix) There may be some rooms of relaxation in respect of dwell time for extremely older people, differently abled people, lactating mother and patients etc.

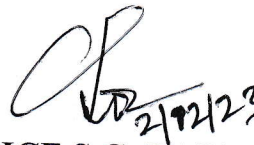
x) Charging of fees at random for each and every vehicle at the rate of Rs.50/- by the private entrepreneur should not be allowed, since it is not in terms of the agreement signed by the AAI and the private entrepreneur.

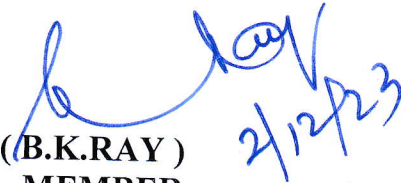


16. Send copy of the order to the Director, MBB Airport Authority, Agartala, Chief Secretary, Govt. of Tripura and Secretary, Transport Department, Govt. of Tripura.

17. Director, MBB Airport is to report to the Commission within one month from the date of receipt of this order about compliance of the recommendations.


(S.C.SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K.RAY)
MEMBER