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M.C. MEHTA

v.

UNION OF INDIA & ORS.

MAY 12, 1998

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[DR. A.S. ANAND, B.N. KIRPAL AND V.N. KHARE, JJ.]

Constitution of India, 1950 :

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Articles 21, 47 and 48A—State—Obligation—Improvement of Public Health and Protection of Environment—Supreme Court—Directions given for tackling problems arising out of chaotic traffic conditions and vehicular pollution—But unsatisfactory performance by concerned authorities—Lack of manpower pleaded by concerned authorities—Ensuring compliance of directions by Supreme Court—Appointment of Court Officers—Authorities to submit list of persons from each of the nine Police Districts for appointment—

D

Authorities also to suggest the manner in which appointees would discharge their obligation—Ministry of Petroleum and Ministry of Surface Transport to file affidavits disclosing the steps taken for supply of lead free petrol and the use of catalytic convertor on vehicles—Committee set up by Court's earlier order to submit a report about the action taken by the Committee for controlling vehicular pollution and the connected matters as well as the draft action plan to tackle the situation.

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Article 144—State—Duty to comply with directions issued by Supreme Court.

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CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 13029 of 1985.

(Under Article 32 of the Constitution of India).

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Altaf Ahmad, Additional Solicitor General, Harish N. Salve, (A.C.), Uday Umesh Lalit, (A.C.), P.P. Malhotra, G.L. Sanghi, Shanti Bhushan, Dr. Rajeev Dhawan., Manoj Prasad, Wasim A. Quadri, Ms. Niranjana Singh, S.N. Sikka, Anil Katiyar, A.D.N. Rao, P. Parmeshwaran, Ms. Indira Sawhney, Ms. Anubha Jain, Arvind Kr. Sharma, K.P. Mittal, Sushil Kumar Jain, A.P. Dhamija, N.B. Khatiwada, Umesh Bohare, Hardeep Singh Anand, Shri Narain, Ashok Mathur,

H

R.K. Maheshwari, Ranjit Kumar, R.P. Gupta, Vijay Panjwani, Neeraj Sharma,

Vineet Kumar, K.K. Gupta, Ms. Sheela Goel, L.K. Pandey, A.K. Sharma, S.B. Upadhyay, S.R. Setia, Sanjay Parkh, Mahavir Singh, Dinesh Kumar Garg, Ms. Smitha Inna, D.S. Mehra, Pramod B. Agarwala, Ms. Praveena Gautam, for the appearing parties. A

The following Order of the Court was delivered :

This Court has, keeping in view the mandate of Articles 47 & 48A of the Constitution of India, issued directions from time to time with a view to tackle the problem arising out of chaotic traffic conditions and vehicular pollution. We are not satisfied with the performance of the concerned authorities in tackling the acute problem of vehicular pollution and traffic regulations in Delhi. Environmental protection appears to have taken a back seat. In fact we are distressed to find that the directions given by this Court, from time to time, have not evoked the response they were expected to evoke. When this Court gave those directions it treated it as a legal issue and proceeded to examine the impact of the right flowing from Article 21 of the Constitution of India viz-a-viz decline in environmental quality. Law casts an obligation on the State to improve public health and protect and improve the environment. The directions issued by this Court were aimed at making the State to effectively discharge their obligations. In their response the Delhi Administration and the Union of India have pleaded, among other factors, lack of man power to deal with the growing menace of chaotic traffic and decline in the environmental quality. B
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The directions issued by this Court are meant to be complied with and we wish to emphasise that it is the obligation of the State to comply with the same. On our part, we are considering the desirability of appointing *Court Officers* to assist the administration with a view to ensure compliance of the directions issued by this Court. Article 144 of the Constitution of India provides "All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court." We have suggested to learned counsel for the parties to give us a list of persons from every colony/area in each of the 9 Police Districts of Delhi, who may be appointed as such Court Officers and suggest the manner in which they can assist the administration to carry out its obligations. This exercise by the Court, we clarify would be with a view to supplement and augment the efforts of the Delhi Administration and the Union of India to deal with the acute problem. Let the needful be done in ten weeks. F
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The learned Additional Solicitor General is also directed to have affidavits H

A filed from the Ministry of Petroleum and Ministry of Surface Transport to disclose the steps taken for supply of lead free petrol and the use of catalytic convertor on the new as well as existing vehicles so as to use lead free petrol throughout the country. The status report in this behalf together with the affidavits shall be filed within ten weeks.

B On 7th January, 1998 a Committee had been constituted under the Chairmanship of Shri Bhure I.al, known as "Environment Pollution (Prevention and Control) Authority for the National Capital Region". We have so far not received any report from that Committee. A direction shall issue to the Committee to submit a report about the action taken by the Committee for controlling vehicular pollution and the connected matters. The Committee may also submit a draft action plan to tackle the situation. The needful shall be done within ten weeks.

List the matters after ten weeks.

D T.N.A.

Petition still pending.