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M.C. MEHTA

v.

UNION OF INDIA AND ORS.

SEPTEMBER 22, 1998

B

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

Environmental Law :

C *Air pollution—Vehicular pollution—National Capital Territory of Delhi—Phasing out and banning old commercial/transport vehicles—Directions given by Supreme Court—Further, all commercial/transport vehicles which are being plied without payment of road tax or registration shall not be allowed to ply—Transport Department and Traffic Department of Delhi Police would submit compliance report.*

D

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

(Under Article 32 of the Constitution of India).

E Santosh Hegde, Solicitor General, Altaf Ahmed, Additional Solicitor General, Harish N. Salve (AC), P.P. Rao, (Uday Umesh Lalit) (AC), (Ms. Priya Kumar) for Prashant Bhushan, Ms. Binu Tamta, S.W.A. Qadri, Ms. Anees Ahmed, Mrs. Anil Katiyar, Mrs. Indra Sawhney, Ms. Kanupriya Mittal, Harish Chandra, Arvind K. Sharma, Mrs. Anubha Jain, Sushil Kr. Jain, Pradeep Aggarwal, A.P. Dhamija, Umesh Bohare, A. Mishra, L.P. Singh, Shri Narain, Sandeep Narain, Pradeep K. Bakshi, Ashok Mathur, R. Sasiprabhu, R.K. Maheshwari, V.B. Saharya, P. Parmeswaran, Ranjit Kumar, Ejaz Maqbool, Hardeep Singh Anand, Vijay Panjwani, R.P. Gupta, Vineet Kumar, Anis Ahmed Khan, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh and D.S. Mehra for the Appearing parties.

G

The following Order of the Court was delivered :

H With a view to tackle problems arising out of chaotic traffic conditions and vehicular pollution and not being satisfied with the steps taken by the concerned authorities in addressing themselves to those problems, this Court issued certain directions accepting the report of Bhure Lal Committee, as it was felt by the Court that any further delay in the performance of its duty

by the Administration could not be permitted. At this stage, we are concerned only with the direction issued by this Court to the effect that all commercial vehicles which are more than 15 years old shall not be permitted to ply in the National Capital Territory of Delhi with effect from 2nd October 1998.

An affidavit has been filed by Shri S. Raghunathan, Principal Secretary-cum-Commissioner Transport, Government of National Capital Territory of Delhi on 28th August, 1998. The learned Solicitor General appearing for the Administration submits that phasing out and banning all commercial vehicles which are more than 15 years old by October 2, 1998 would lead to great hardship to the owners of those vehicles in particular and to the general public which makes use of those vehicles in general. It is, therefore, submitted by him that we may relax the rigour of the order regarding banning of 15 years old commercial/transport vehicles with effect from 2nd October 1998 and he assures the Court that the Administration itself is keen to phase out all such vehicles gradually to ease the pollution level in the city. It is submitted that the ban order may be applied in phases.

A chart has been filed by the learned Solicitor General giving a break up of the count of the number of commercial/transport vehicles which have paid road tax atleast once after 1st April, 1997 yearwise. According to that chart we find that the number of commercial/transport vehicles are:-

(a) More than 25 years old.	5,718
(b) Between 24 and 25 years old	954
(c) Between 23 and 24 years old	635
(d) Between 22 and 23 years old	524
(e) Between 21 and 22 years old	748
(f) Between 20 and 21 years old	770

Thus, the total number of vehicles which are more than 20 years old are 9,349. These vehicles are all commercial vehicles which have been registered and on which road tax has been paid.

The count of vehicles which are more than 15 years but less than 20 years old are :-

A	(a) Between 17 to 19 years	3,200
	(b) Between 15 to 16 years	4,962

To mitigate the hardship, as pointed out by learned Solicitor General and taking note of the assurance given by him, we modify our previous order and direct that:

B (a) all commercial/transport vehicles which are more than 20 years old (9,349) shall be phased out and not permitted to ply in the National Capital Territory Delhi after 2nd October, 1998;

C (b) all such commercial/transport vehicles which are 17 to 19 years old (3,200) shall not be permitted to ply after 15th November, 1998;

(c) such of the commercial/transport vehicles which are 15 years and 16 years old (4,962) shall not be permitted to ply after 31st December, 1998.

D This order shall apply to all commercial/transport vehicles whether registered in the National Capital Territory of Delhi or outside (but ply in Delhi) which are of more than the stipulated age.

E This ban order shall also be applicable to all such vehicles which do not have any authority or permit to ply in the National Capital Territory of Delhi.

F Apart from the commercial/transport vehicles which are registered, as noticed above, we are informed that there are vehicles which are either not registered or on which road tax has not been paid in National Capital Territory of Delhi. We direct that all such commercial/transport vehicles which are being plied without payment of road tax or registration, shall not be allowed to ply in the National Capital Territory forthwith and in any event not with effect from 2nd October, 1998.

G The Motor Vehicles Department and the Traffic Department of Delhi Police shall coordinate their efforts to carry out these directions faithfully and punctually.

H We further direct that an affidavit shall be filed by the Chief Secretary, Delhi Administration, undertaking to ensure that the directions hereinabove given are carried out in letter and in spirit. The affidavit shall be filed during the course of this week.

The Transport Department and the Traffic Department of the Delhi Police shall submit reports of due compliance in the first week of October, 1998; 3rd week of November, 1998, and 1st week of January, 1999 with an advance copy to the learned Amicus Curiae. A

List the matter in October, 1998 on a date to be fixed by the registry after consultation with the learned amicus curiae. B

R.P.

Writ Petition pending.