

VEHICULAR POLLUTION IN DELHI

Writ Petition (Civil) No.13029/1985 (M.C.Mehta Vs UOI & Ors.)



This writ petition was filed in the year of 1985 under Article 21 of the Constitution of India regarding air pollution in Delhi. The Petitioner challenged the inaction on the part of the Union of India, Delhi Administration (now known as Government of National Capital Territory of Delhi) and other Authorities whereby smoke, highly toxic and other corrosive gases were allowed to pass into the air due to which the lives of the people of Delhi were put to high risk especially in thickly populated areas where most of the hazardous industries were functioning. The residents of the area were suffering from chronic ailments of nose, throat and eyes due to air pollution. The Petitioner prayed before the Hon'ble court that pollution is due to industries and vehicles and appropriate directions might be issued to the owners of vehicles emitting noxious carbon monoxides, oxides of nitrogen, lead and smoke from their vehicles. During the pendency of this Writ Petition, the Hon'ble Supreme Court passed several

orders/directions to deal with the situations arising from time-to-time and impressed upon the concerned authorities to take urgent steps to tackle the acute problem of vehicular pollution in Delhi.



The important directions issued by the Hon'ble Court on 26.7.1998:

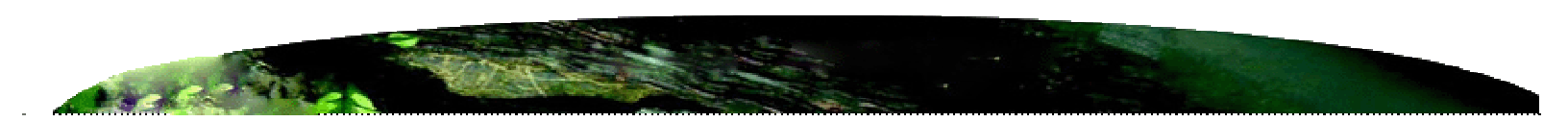
- (i) Augmentation of public transport to 10,000 buses by 1.4.2001;
 1. Elimination of leaded petrol from NCT Delhi by 1.9.1998;
 2. Supply of only pre-mix petrol by 31.12.1998 for two stroke engines of two wheelers and autos;
 3. Replacement of all pre-1990 autos and taxis with new vehicles on clean fuels by 31.3.2000;
 4. No 8 year old buses to ply except on CNG or other clean fuels by 1.4.2000;
 5. Entire city bus fleet (DTC & private) to be converted to single fuel mode on CNG by 31.3.2001;
 6. New ISBTs to be built at entry points in North and South-West to avoid pollution due to entry of inter state buses by 31.3.2000;

7. GAIL to expedite and expand from 9 to 80 CNG supply outlets by 31.3.2000;
8. Two independent fuel testing laboratories to be established by 1.6.1999;
9. Proper inspection and maintenance facilities to be set up for commercial vehicles with immediate effect;
10. Comprehensive inspection and maintenance programme to be started by transport department and private sector by 31.3.2000; and
11. CPCB/DPCC to setup a few more stations and strengthen the air quality monitoring stations for monitoring critical pollutants by 1.4.2000. The Hon'ble Court also directed that the time frame as fixed by the Environment Pollution (Prevention and Control) Authority should be strictly adhered to by all the authorities.



The Hon'ble Supreme Court on 26.3.2001 further directed that in public interest and with a view to mitigate the sufferings of the commuter public in general and the school children in particular some relaxation and exemptions were given.

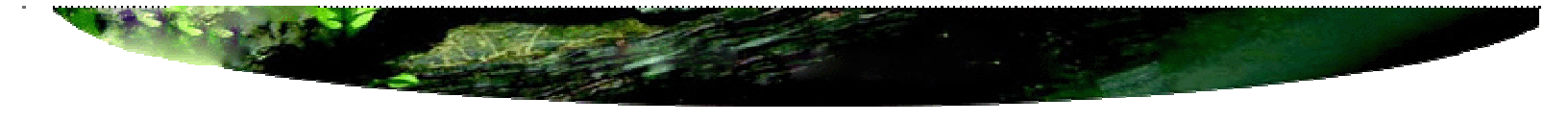
While dealing with the issues relating to conversion to CNG mode of public transport in NCT Delhi, the Hon'ble Supreme Court on 5.4.2002 further directed

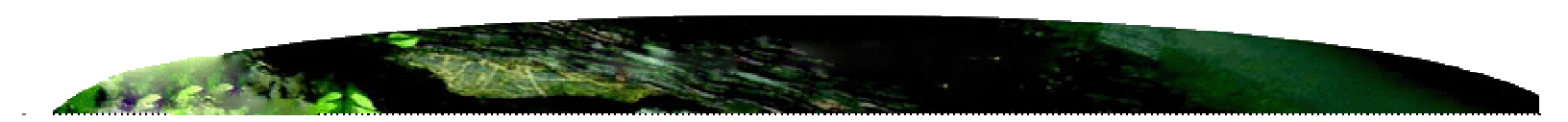


that under Articles 39(e), 47 and 48-A it is the duty of the of the State to secure the health of the people, improve public health and protect and improve the environment. The Hon'ble Court observed that the Environment (Prevention and Control) Authority was a statutory Authority constituted u/s 3 of the Environment (Protection) Act, 1986 and its directions were final and binding on all persons and organizations concerned. The directions of the said authority should be complied with.

The Hon'ble Supreme Court earlier extended the limit for the conversion of commercial vehicles to avoid the unnecessary hardship, the first time it was extended to 31.5.2001 and then to 31.1.2002. On 5.4.2002, the Hon'ble Supreme Court has relied on the judgment of *Vellore Citizen Welfare Forum Vs Union of India & Others (1996) 5 SSC 64* in which precautionary principle and 'polluter pays principle' was discussed. The Hon'ble Court also referred various studies which co-related the increase of air pollution with increase in cardiovascular and respiratory diseases and also the carcinogenic nature of respirable suspended particulate matter (RSPM) – PM-10 (i.e. matter less than 10 microns in size). The Hon'ble Supreme Court also referred the CPCB Newsletter "Parivesh", published in September, 2001 relating to air pollution and human health, and observed that there was need to control air pollution, and one of the measures was to reduce the use of diesel.

The Hon'ble Supreme Court issued the following directions for compliance:

1. The Union of India would give priority to Transport Sector including private vehicles all over India with regard to the allocation of CNG, i.e first the transport sector in Delhi, and in other polluted cities of India.
 2. Those persons who have placed orders with the bus manufacturers and not taken the delivery of the bus should do so within 2 weeks failing which their permits should stand automatically cancelled.
 3. Those owners of the diesel buses continued to ply diesel buses beyond 31.1.2002, in contravention of this Court's orders, the Director of Transport, Delhi would collect from them costs @ Rs.500/- per bus per day
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increasing to Rs.1000/- per day after 30 days of operation of the diesel buses w.e.f. 6.4.2002.

4. The NCT of Delhi should phase out 800 diesel buses per month from 1.5.2002 till all the diesel buses are replaced.
5. The Union of India and all Government Authorities including Indraprashta Gas Limited (IGL) should:
 - a. Allocate and make available 16.1 lacs kg per day (2 mmscmd) of CNG in the NCT of Delhi by 30.6.2002 for use by the transport sector.
 - b. Increase the supply of CNG whenever the need arises.
 - c. Prepare a scheme containing a time schedule for supply of CNG to the other polluted cities of India which includes Agra, Lucknow, Jharia, Kanpur, Varanasi, Faridabad, Patna, Jodhpur and Pune.
 - d. The Union of India might supply LPG in addition to CNG as an alternate fuel or to supply any other clean non-adulterable fuel as the Bhure Lal Committee might recommend.

