

PETITIONER:
M.C. MEHTA

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT: 28/07/1998

BENCH:
A.S. ANAND, B.N. KIRPAL, V.N. KHARE

ACT:

HEADNOTE:

JUDGMENT:

THE 28TH DAY OF JULY, 1998

Present:

Hon'ble Dr. Justice A.S. Anand
Hon'ble Mr. Justice B.N. Kirpal
Hon'ble Mr. Justice V.N. Khare

Altaf Ahmed, Additional Solicitor General, Harish N. Salve, Sr. Adv. (A.C.), P.P. Malhotra, Shanti Bhushan, K. Parasaran, Sr. Advs., Uday Umesh Lalit, Manoj Prasad, Kailash Vasdev, Mrs. Indira Sawhney, Arvind K. Sharma, Mrs. Anubha Jain, Mrs. K.P. Mittal, Mrs. Niranjana Singh, Wasim A. Quadri, Mrs. anil Katiyar, Ms. Sumitha Inna, D.S. Mehra, Pramod B. Agarwala, Ms. Praveena Gautam, Aruneshwar Gupta, Srilok Nath Rath, Shri Narian, Sandeep Narain, Sushil Kumar Jain, A.P. Dhamija, Ms. Kiran, Ms. Arpita Roy choudhary, (M.A. Chinnaswamy,) Adv. (NP), R.P. Gupta, R. Sasiprabhu, R.K. Maheshwari, Ashok Mathur, Ranjit Kumar, Ejaz Maqbool, Hardeep Singh Anand, Vijay Panjwani, Anis Ahmed Khan, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh, Mahabir Singh and Dinesh Kumar Garg, Advs. with them for the appearing parties.

O R D E R

The following Order of the Court was delivered:

WITH

WRIT PETITION NO. 939 OF 1996

Realising the urgency and importance of protection and improvement of the environment, this Court has given direction from time to time and impressed upon the authorities to take urgent steps to tackle the acute problem to vehicular pollution in Delhi. Assurances have been held out to the Court through various affidavits filed by the competent officers that effective steps shall be taken in a phased manner within a specified time span. In spite of the matter having engaged the attention of this Court for a long time and lengthy debates on each hearing, precious little appear to have been done by the State Administration to check and control the vehicular pollution. We are rather distressed at this apathy of the State Administration, when according to the White Paper published by the Government of India, the vehicular pollution contributes 70% of the air pollution as compared to 20% in 1970. In the White Paper published by the Government of India, a dead line of 1st

April, 1998 had been proposed for implementation of major actions. No concrete steps have however, been taken till date in spite of the assurances held out in the affidavit dated November 18, 1996.

We find from the report submitted by the Authority appointed vide Gazette Notification dated 29th January, 1998 that none of the major actions, as proposed, has been implemented. The Authority headed by Shri Bhure Lal has also proposed certain measures for immediate improvement of air quality and has given a time frame but for the time being we are not engaging our attention to that time frame. We are, however, of the view that to arrest the growing pollution of air certain steps need to be taken immediately We, therefore, direct:-

1. Implementation of directions to restrict plying of commercial vehicles including taxis, which are 15 years old, by 2nd October, 1998.
2. Restriction on plying of goods vehicles during the day time shall be strictly enforced by 15th August, 1998.
3. Expansion of pre-mixed oil dispensors (petrol and 2T oil) shall be undertaken by 31st December, 1998.
4. Ban on supply of loose 2T oils at petrol stations and service garages shall be enforced by 31st December, 1998.

The Committee headed by Shri Bhure Lal has also proposed the following measures within the time frame in its action taken report filed in the Court.

	Time frame
A) Augmentation of public transport (state carriage) to 10,000 buses.	1.4.2001
B) Elimination of leaded petrol from NCT Delhi as proposed by the Authority and agreed to by the Ministry of Petroleum & Natural Gas.	1.9.1998
C) Supply of only pre-mix petrol in all petrol filling stations to two-stroke engine vehicles.	31.12.2000
D) Replacement of all pre 1990 autos and taxis with new vehicles on clean fuels.	31.3.2000
E) Financial incentives for replacement of all post 1990 autos and taxis with new vehicles on clean fuels.	31.3.2001
F) Non 8-year old buses to ply except on CNG or other clean fuels.	1.4.2000
G) Entire city bus fleet (DTC & private) to be steadily converted to singly fuel mode on CNG.	31.3.2001
H) New ISBTs to be built at entry points in North	31.3.2000
I) GAIL to expedite and expand from 9 to 80 CNG supply outlets.	31.3.2000
J) Two independent fuel testing labs. to be established.	1.6.1999
K) Automated inspection and maintenance facilities to be set up for commercial vehicles in the first phase.	Immediate
L) Comprehensive I/M programme to be started by transport department & private sector.	31.3.2000
M) CPCB/DPCC to set up new stations and strengthen existing air quality monitoring stations for critical pollutants.	1.4.2000

We approve the directions given and the time frame fixed by Shri Bhure Lal Committee. The time frame, as fixed by that committee and today by this Court, in consultation with learned counsel for the parties, shall be strictly adhered to by all the authorities who shall also take effective and adequate steps to bring, to the notice of the public both through print and electronic media various

directions issued by this Court from time to time in general and the directions hereinabove contained in particular. Report in this behalf shall be filed in the Court within four weeks. We, administer, a strong caution to all concerned that failure to abide by any of the directions hereinabove noticed would invite action under the Contempt of Courts Act against the defaulters.

JUDIS