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M.C. MEHTA

v.

UNION OF INDIA AND ORS.

DECEMBER 1, 1998

B

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

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Environmental law—Vehicular pollution—National Capital Region and National Capital Territory of Delhi—Proper management and control of traffic—Safeguards necessary for public safety—Executive function to control vehicular pollution and protect environment—Executive inaction—Directions given by Supreme Court from time to time—Implementation of—Solicitor General to file a status report detailing the action taken with regard to various directions issued by this Court earlier—Union of India to suitably publicised in the print as well as electronic media so that everybody is made aware of the directions—State's obligation to ensure that directions given are complied with—Directions relating to vehicular pollution and traffic conditions to be carried out by all concerned notwithstanding any order or direction given by any authority, Court or Tribunal.

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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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Santosh N. Hegde, Solicitor General, H.N. Salve, (AC), P.P. Malhotra, Shanti Bhushan, Dr. Rajeev Dhawan, U.U. Lalit, (A.C.), M.C. Mehta-in-Person (NP), S. Wasim A. Qadri, Ms. Anil Katiyar, Ms. Indra Sawhney, Ms. Anubha Jain, Arvind Kumar Sharma, Ms. Niranjana Singh, Ms. Sushma Suri, Aruneshwar Gupta, Prashant Bhushan, Sanjeev Kapoor, Videh Upadhyay and Vijay Panjwani.

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V.B. Saharya, Anil Kumar Mittal, in-person, Anil Sood, in-person, Sushil Kumar Jain, Pradeep Aggarwal, A.P. Dhamija, Umesh Bohare, A. Mishra, L.P. Singh, Atul Sharma, M.A. Chinnaswamy, R.K. Kapoor, P. Verma, Anis Ahmad Khan, Jayant Nath, Rakesh Sharma, R. Sasiprabhu, R.K. Maheshwari, Ashok Mathur, Ranjit Kumar, Ejaz Maqbool, Hardeep Singh Anand, S.K. Srivastava, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh, Mahabir Singh, Dinesh K. Garg, R.P. Gupta, Ms Binu Tamta, R.C. Verma, Sri Narain, Vineet Kumar,

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P.K. Bakshi, Prem Malhotra, Ms. Rani Chhabra and N.D. Garg for the appearing parties. A

The following Order of the Court was delivered :

This writ petition was filed in 1985. More than a decade has gone by. Various aspects for improvement of environment were highlighted in the petition including the one relating to proper management and control of traffic in the National Capital Region and the National Capital Territory of Delhi with a view to ensure adequate safeguards necessary for public safety. Besides this, vehicular pollution was also highlighted and the need for remedial steps convassed to take care of the chaotic traffic conditions which have given rise to road accidents resulting in death and bodily injury to the citizens. To control vehicular pollution and protect environment is primarily the function of the executive. It is their obligation to devise suitable measures and provide machinery for rigid enforcement of such measures as are necessary to curb the menace of chaotic traffic conditions and vehicular pollution with a view to ensure the welfare of general public. The inaction on the part of the executive, however, impelled this Court to issue certain directions from time to time in this writ petition, but precious little appears to have been done despite those directions. Before we consider the question of holding somebody responsible and accountable, we consider it appropriate to repeat some of the directions which had been issued on November 20, 1997 and on subsequent dates and direct their strict compliance. We direct: B
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“(a) No heavy and medium transport vehicles, and light goods vehicles being four wheelers would be permitted to operate on the roads of the NCR and NCT, Delhi, unless they are fitted with suitable speed control devices to ensure that they do not exceed the speed limit of 40 KMPH. This will not apply to transport vehicles operating on Inter-State permits and national goods permits. Such exempted vehicles would, however, be confined to such routes and such timings during day and night as the police/transport, authorities may publish. It is made clear that no vehicle would be permitted on roads ‘ other than the aforementioned exempted roads or during the times other than aforesaid time without a speed control device. ’ F
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(b) In our view the scheme of the Act necessarily implies an obligation to use the vehicle in a manner which does not imperil public safety. The concerned authorities should, therefore, ensure that the transport vehicles are not permitted to overtake any other four-wheel motorised H

A vehicle.

(c) They will also ensure that wherever it exists, buses shall be confined to the bus lane and equally no other motorised vehicle is permitted to enter upon the bus lane. We direct the Municipal Corporation of Delhi, NDMC, PWD, Delhi Government and DDA, Union Government and the Delhi Cantt. Board to take steps to ensure that bus lanes are segregated and roads markings are provided on all such roads as may be directed by the police and transport authorities.

(d) They will ensure that buses halt only at bus stops designated for the purpose and within the marked area. In this connection also Municipal Corporation of Delhi', NDMC, PWD, Delhi Government, DDA and union of India and Delhi Cantt. Board would take all steps to have appropriate bus stops constructed, appropriate markings made and 'bus-bays built at such places as may be indicated by transport/policy authorities.

(e) Every holder of a permit issued by any of the road transport authorities in the NCR and NCT, Delhi will within ten days from today, file with its RTA a list of drivers who are engaged by him together with suitable photographs and other particulars to establish the identity of such persons. Every vehicle shall carry a suitable photograph of the authorised driver, duly certified by the RTA. Any vehicle being driven by a person other than the authorised driver shall be treated as being used in contravention of the permit and the consequences would accordingly follow.

(f) No bus belonging to or hired by an educational institution shall be driven by a driver who has

- less than five years of experience of driving a heavy vehicles;
- been challaned more than twice for a minor traffic offence;
- been charged for any offence relating to rash and negligent driving.

All such drivers would be dressed in a distinctive uniform, and all such buses shall carry a suitable inscription to indicate that they are in the duty of an educational institution.

We direct the Municipal Corporation of Delhi (MCD), New Delhi A
 Municipal Corporation (NDMC), Public Works Department (PWD), Delhi
 Development Authority (DDA), Delhi Transport Corporation (DTC) and the
 Delhi Government to take all necessary steps to ensure that (i) bus lanes are
 segregated and road markings are provided on all such roads as are identified
 by the police and the transport authority. This exercise shall be done by the
 concerned within four weeks from today: and (ii) take steps to have appropriate
 bus stops constructed, appropriate markings painted and bus bays built at
 such places as may be indicated by the transport/police authorities. This
 exercise shall commence within two weeks from the date of this order and be
 completed within six weeks thereafter. B

Learned Solicitor General shall file a Status report detailing the action
 taken with regard to various directions Issued by this Court on 20th November,
 1997; 16th December, 1997; 28th July, 1998 and subsequently. The needful
 shall be done on the affidavit of a responsible officer within eight weeks. C

We also direct that the Union of India shall ensure that the directions
 given by this Court on 20th November, 1997; 16th December 1997 and 28th
 July, 1998 are suitably publicised in the print as well as in the electronic media
 so that everybody is made aware of the directions contained in our various
 orders. Publicity on the electronic media should be, to begin with, carried on
 every alternate day, for at least six weeks. D

We wish to emphasise that the directions issued by this Court from time
 to time, which are in the general public interest, are required to be complied
 with and it is the obligation of the State to ensure that those directions are
 complied with. We are considering the appointment of Court Officers with a
 view to see that the directions issued by us are complied with and in the
 event the Delhi Administration has any suggestion to make about the
 appointment of any such Court Officer, they shall be at liberty to file a list
 of such persons in the Registry within four weeks. E F

We further direct that the orders made by us containing various directions
 relating to vehicular pollution and traffic conditions shall be carried out by
 all concerned notwithstanding any other order or direction given by any
 authority, court or tribunal and that no authority, court or tribunal shall
 interfere with the functioning of the Police or the Transport Department
 insofar as the implementation and execution of the directions issued by this
 Court, from time to time, are concerned. G