

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No.21 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present:

Applicant:	Mr. Vardhman Kaushik, Applicant in person
Respondent No. 1:	Ms. P.B. Singh, Advocate
Respondent No. 2:	Ms. Alpana Poddar, Advocate
Respondent No. 3:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, Adv. Mr. B.V. Niren, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 7 November 26, 2014 SN	<p>In furtherance to our previous Order dated 7th October, 2014, the Committee headed by Secretary, MoEF has filed an interim Report. This Report primarily outlines the steps, which are generic in nature, to be taken by various authorities and to prepare and chalk out effective action plans. In other words, nothing substantive has been suggested, it does not reflect any steps which have been taken by the authorities concerned for providing and controlling the air pollution in Delhi primarily resulting from vehicular pollution and burning of plastics and other materials in open.</p> <p>We have heard the Learned Counsel appearing for the parties. It is undisputed and in fact unquestionable that the air pollution of NCT, Delhi is getting worse with each passing day. An article published in the Times of India today has been brought to the Notice of the Tribunal. It is based on the studies carried out. It not only projects the very dismayed state of affairs existing with clear indication that worst is likely to follow. This article even declares that it may not be safe for the</p>

residents of Delhi to go out for morning arising to heavy pollutants present in the air. It is primarily carbon and particulate matters which are injurious to human health, particularly to lungs and ENT diseases. The time is more than right at this stage, when mere consideration of these issues at different levels, could not resolve the issue and no one would help in controlling the increasing air pollution in Delhi. It is a constitutional and statutory duty of all the authorities and Ministries to provide clean air to the people to breathe. It is their fundamental right and it cannot be subjected to limitation of the state of any kind and be permitted to loose sight in the realm of planning and anticipated actions.

The Committee has suggested that it would need further time of few months to prepare an Action Plan. Let that Report be submitted to the Tribunal at the earliest.

In the meanwhile, we issue the following directions:

1. All vehicles, diesel or petrol, which are more than 15 years old shall not be permitted to ply on the roads and wherever such vehicles of this age are noticed, the concerned authorities shall take appropriate steps in accordance with law including seizure of the vehicles in accordance with the provisions of the Motor Vehicle Act, 1988.
2. The vehicles which are more than 15 years old, will not be permitted to be parked in any public area and they shall be towed away and challaned

by the police in accordance with law.

This direction would be applicable to all vehicles without exception i.e. two wheelers, three wheelers, four wheelers, light vehicles and heavy vehicles irrespective of whether commercial or otherwise.

3. It has been brought to our notice that a bypass has been provided to the traffic coming from Chandigarh side to Uttar Pradesh, but there is no bypass to Delhi as far as Rajasthan and all the States falling in this route to Bombay are concerned. Let all the Respondents including MoEF, Ministry of Transport, DPCC and the Central Pollution Control Board indentify the route which should be provided to bypass Delhi main city for going to this road as felt.

4. No person shall be permitted to burn plastic or any other material in the open. If any person is found to be burning plastic or any other material including tree leaves in the open, he would be liable to be proceeded against in accordance with law and the Police, DPCC and NCT, Delhi shall take immediate steps to ensure that such activity is stopped forthwith.

Any person would have the right to approach this Tribunal, the Police station, the DPCC and/or any other competent authority to make a grievance in regard to such unauthorised and illegal burning resulting in air pollution.

5. We direct NCT, Delhi and DPCC to create a web portal where any person aggrieved can take the

photographs and upload the same with details of location etc. bringing it to the notice of these authorities.

6. All these authorities are hereby directed to create a special force to enforce this direction and ensure its compliance.

7. The Commissioner of Police of Delhi, NCT of Delhi, Municipal Authorities and DPCC shall ensure that tarred roads for regular traffic are not permitted to be used for parking thus causing avoidable congestion of traffic.

Once there is a congestion of traffic and vehicles are forced to keep their engines on for considerable long period, it results in extra emissions causing serious air pollution.

8. In all the markets in Delhi, it shall be ensured that there is only one side parking of vehicles and there is sufficient space left for atleast both way carriage and it will be ensured that there is a free flow of traffic and is not unnecessarily obstructed by excessive and unregulated parking on the road. To make it clear, there shall be no parking on the tarred roads of Delhi. All agencies shall ensure compliance.

9. Immediate steps will be taken by all the Respondents and concerned authorities to provide cycle tracks in Delhi and efforts should be made to encourage cycling in Delhi.

10. All the DTC buses, even if operating on CNG, would be checked by the team to be constituted by the CPCB and DPCC. Whichever

bus is found to be emitting in excess of prescribed standards, the same shall not be permitted to ply and the Managing Director, DTC shall be personally responsible for ensuring compliance to the prescribed emission standards by all the DTC vehicles.

11. The concerned authorities particularly the NCT, Delhi and RTO, Delhi shall ensure that the trucks which are otherwise permitted to cross Delhi in accordance with law are not overloaded. When they enter Delhi, there shall be a due check that the vehicles and the trucks in question are not carrying in excess of the prescribed weight and is not exceeding the age afore-directed. Inspection register for all the vehicles shall be maintained by the Police and the RTO jointly at all the entry and exit point of NCT, Delhi.

12. RTO shall not issue/ renew registration of the vehicles or fitness certificate to any vehicle which is more than 15 years old.

13. We direct the Ministries, NCT of Delhi and DPCC to examine the possibility of installation of air purifiers in all the markets and crowded places or where the traffic load is heavier. Air purifier be installed and Report to the Tribunal be placed on the next date of hearing.

14. Automatic or censor based weigh bridges shall be installed immediately on all the entries and exit point of Delhi. The authorities shall ensure that the vehicles of any kind are not forced to be parked at this point for an unduly long

period.

We further direct that the vehicles standing at the border or near the entry point will not keep the ignition on except when they are permitted to enter and ply. All the concerned authorities and these team be posted at the respective places.

All the authorities concerned including the corresponding authorities of the areas falling in NCT of Delhi i.e. Haryana, Uttar Pradesh and Rajasthan will ensure compliance of these directions.

Let a copy of this Order be sent to the Chief Secretaries of all these State forthwith. We make it clear that in the event, any officer or person is found to be violating these directions or not complying with them as afore-directed, we will be compelled to take coercive steps and pass such Orders as may be required in accordance with law without any further notice.

The Committee should file its final Report positively before the next date of hearing.

List this matter on 9th January, 2015, for further directions, compliance Report shall be submitted by all the concerned authorities.

.....,CP
(Swatanter Kumar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)