

M.C. Mehta

Vs

Union of India and Others

Writ Petn. No.13029 of 1985

(CJI Ranganath Misra, M.N. Venkatachaliah, A.M. Ahmadi JJ)

14.11.1990

ORDER

1. We have seen the affidavit of the Ministry of Environment and have heard Mr. M. C. Mehta, petitioner in-person and learned Attorney General for the Union of India. From the affidavit we find that the Ministry of Environment accepts the position that pollution in Delhi is mainly on account of the high rise in the number of vehicles driven by petrol and diesel operating within the Delhi and New Delhi areas. As a measure of control, it has been stated in the affidavit that several prosecutions have been launched. Registration of vehicles found to be defective has been suspended.

2. Learned Attorney-General accepts the position that mere, institution of prosecutions or suspension of registration would not be effective measures to meet the menace of pollution caused by the automobiles operating in the area. The affidavit has mentioned about the proposal of a massive program of educating the pliers of automobiles about the care to be taken and attention bestowed in the matter of negating or reducing the polluting factor. Success of this move would depend upon the scale, the frequency and the manner in which this is carried on. It has been further pointed out that some of the relevant Rules which could contribute to making the control effective like R. 115 (6) and Rr. 126 and 127 of the Central Motor Vehicles Rules, 1989, have not yet been brought into force. The Rules relating to controlling of pollution seem to form one comprehensive scheme and bringing some of them into force while leaving others out would not really bring about any effective result. Learned Attorney-General has, therefore, submitted that all these Rules would be noted for being brought into force for specified dates.

3. We are of the view that the heavy vehicles operating in the city being the buses, trucks and defence vehicle constitute the main contributing factor to pollution. It is necessary, therefore, that more of attention is directed against these vehicles. Particulars of the prosecution said to have been undertaken should be made available to the Court so that the Court would be in a position to appreciate the steps taken and to what extent this measure is effective. We, therefore, direct the Delhi Administration to place before the Court a complete list of the prosecution launched against the vehicles for causing pollution by infringement of the various requirements of the law with particular reference to the vehicles, nature of the vehicles dates of prosecution, the nature of offences for which prosecutions have been launched and the result, if any, of such prosecutions from 1-4-1990. Similarly, particulars of the vehicles registration of which is said to have been suspended must be provided with specific mention of the nature of the vehicle and a brief indication as to why suspension has been directed. Follow up action after suspension must also be indicated, if anything has been done.

4. In supplying the particulars of the two categories, namely, prosecutions and suspension, the classification as to whether the vehicles belong to the Delhi Administration or the Central Government or the public sector undertakings and/ or the public transport system should be specified. Rules 115(6) and 126 and 127 of the Rules should be made operative from 1-4-1991.

5. Mr. Mehta says that the National Environment Engineering Research Institute, Nagpur has brought out a device which would reduce the pollution content and the Ministry of Environment is aware of this fact. We suggest that the Environment Ministry should carry out appropriate experiments with the aid of the same device to find out its effectiveness within two months from today and in case it is found to be effective, steps should be taken to ensure that every vehicle to be manufactured after a particular date may be from 1st April or 1st July, keeping the particular facts in view, to have that device as an in-built mechanism to reduce pollution. Whether vehicles which have already been operating can also adopt the said device should also be examined and in case that also is found feasible, the Environment Ministry should place the material for consideration of this Court. We direct peremptory compliance of this order. The matter be listed in the 3rd week of January, 1991.

Order accordingly.

</html