

M. C. Mehta

Vs

Union of India

(CJI J. S. Verma, B. N. Kirpal, V. N. Khare, JJ)

20.11.1997

ORDER

1. After hearing learned counsel for the parties and learned Amicus Curiae, for reasons indicated separately, in exercise of the power of this Court under Article 32 read with Article 142 of the Constitution of India, we hereby give the following directions, namely:

A. the Police and all other authorities entrusted with the administration and enforcement of the Motor Vehicles Act and generally with the control of the traffic shall ensure the following:

(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 merits. 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. (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 authorities aforesaid should, therefore, ensure that the transport vehicles are not permitted to overtake any other four-wheel motorised 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 connected 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 marking made, and 'bus-bays' built at such places as may be indicated by transport/police authorities. (e) Any breach of the aforesaid directions by any person would, apart from entailing other legal consequences, be dealt with as contravention of the conditions of the permit which could entail suspension/cancellation of the permit and impounding of the vehicle. (f) 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 a 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. No bus belonging to or hired by an educational institution shall be driven by a driver who has- less than ten years of experience;- 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.(g) To enforce these directions, flying squads made up of inter-departmental teams headed by an SDM shall be constituted and they shall exercise powers under Section 207 as well as the Section 84 of the Motor Vehicles Act. The Government is directed to notify under Section 86(4) the officers of the rank of Assistant Commissioners of Police or above so that these officers are also utilised for constituting the flying squads.(h) We direct the police and the transport authorities to consider immediately the problems arising out of congestion caused by different kinds of motorised and non-motorised vehicles using the same roads. For this purpose, we direct the police and transport authorities to identify those roads which they consider appropriate to be confined only to motorised traffic including certain kind of motorised traffic and identify those roads which they consider unfit for use by motorised or certain kinds of motorised traffic and to issue suitable directions to exclude the undesirable form of traffic from those roads.(i) The civic authorities including DDA, the railways, the police and transport authorities, are directed to identify and remove all hoarding which are on road-sides and which are hazardous and a disturbance to safe movement. In addition, steps be taken to put up road/traffic signs which facilities free flow of traffic.B. We direct the Union of India to ensure that the contents of this Order are suitably publicised in the print as well as the electronic media not later than November, 22, 1997 so that every body is made aware of the directions contained in the Order. Such publication would be sufficient public notice to all concerned for due compliance.C. We direct that this Order will be carried out notwithstanding any other order or directions by any authority, Court or Tribunal, and that no authority shall interfere with the functioning of the police and transport department in so far as implementation and execution of these directions is concerned. A report of compliance be submitted on or before 8th December, 1997. List on 9th December, 1997