

SUPREME COURT OF INDIA

M.C. Mehta

Vs.

Union of India

(B.N. Kirpal and V.N. Khare JJ.)

24.04.2000

ORDER

1. On 28th July, 1998, with a view to arrest the growing pollution of air, certain steps were directed to be taken with immediate effect. Besides a schedule was also given containing various directions based on the Report of the Committee headed by Shri Bhure Lal. Direction 'F' reads:

No 8-year old buses to ply except on CNG or other clean fuels. (Time frame -after-1.4.2000).

Direction 'G' provides:

Entire city bus fleet (DTC & private) to be steadily converted to single fuel mode on CNG. - (Time frame - by - 31.3.2001)

2. These applications have been filed by Action Committee of un-aided private schools and other educational institutions seeking modification of the order dated 28th July, 1998, primarily on the ground of hardship to the institutions and the students.

3. We have heard learned Counsel for the parties.

4. On behalf of the applicants, it is submitted that buses which are owned by college, school or other educational institutions, are being used solely for the purpose of transporting students or staff of educational institution in connection with the activities of the institution and that those buses are not being used as contract carriage and/or public transport buses. It is submitted that these buses cater to the requirements of students only within a certain distance of the location of the school and ply only for a shorter distance and therefore, do not strictly speaking, deserve to be treated as commercial buses.

5. While we do not agree that the directions given by us on 28th July, 1998 require to be diluted, relaxed or modified in any way whatsoever, we find force in the submission of learned Counsel for the schools that the buses owned by the schools may not strictly speaking be treated as "commercial vehicles" to which direction F (supra) applies. Section 2(11) of the Motor Vehicles Act, 1988 defines Educational Institution buses to mean:

(11) educational institution bus" means an omnibus, which is owned by a college, school or other educational institution and used solely for the purpose of transporting students or staff of the

educational institution in connection with any of its activities.

This definition does carve out a special category in favour of the buses etc. owned by educational institutions.

6. We, therefore, clarify that the buses which are owned by college, school or other educational institution be treated as private buses for the purposes of the directions given by the Court on 28th July, 1998, and therefore, direction 'G' and not direction 'F' (supra) shall apply to all such buses etc.. All such buses shall, therefore, be required to be steadily converted to single fuel mode on CNG on or before 31st March, 2001.

7. We further direct that this order shall not be construed to apply to any bus or other vehicle which may be hired from a private or commercial source for the purpose of being used as an educational institution bus but which is not owned by the institutions. We further direct that the educational institution buses shall be got checked for pollution control on or before 15th May, 2000 in order to avail benefit of this order. In the event it is found that any of the bus does not have pollution control check certificate, that bus shall not ply under the force of this order made today.

8. Except for the clarification made above, no other relaxation of the directions dated 28th July, 1998 is made in favour of any party, including the educational institutions.

9. We wish to reemphasis that the directions given by us on 28th July, 1998 shall be strictly complied with by all concerned.

10. These applications are, therefore, disposed of.