

(1999) 04 SC CK 0059

In the Supreme Court Of India

Case No : Writ Petition (C) No. 13029/85 with I.A. No's. 33, 34, 35, 37, 38, 39, 40 and 41 in WP (C) 13029/85 with W.P. (C) No. 939/96 with SLP (C) 13208/98 (with application for c/delay in filing SLP)

M.C. Mehta

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 29-04-1999

Acts Referred:

Citation : (1999) 9 JT 615 : (1999) 3 SCALE 166 : (1999) 6 SCC 12

Hon'ble Judges : A. S. Anand, C.J.;V.N. Khare, J;B.N. Kipral, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Notwithstanding the enactment of the Environment (Protection) act 1986 decline in the quality of environment continues. This prima facie shows a failure on the part of the authorities to perform their obligation under the Constitutional scheme and the mandate of the Act. Concerned by the effects of the vehicular pollution on the health of the citizens, particularly in the National Capital Region (NCR), this court has given directions from time to time to the State/Union as well as other authorities but it appears that despite those directions and the concern expressed by the Court, the pollution level is on the increase and not on the decrease. It is a serious matter.

2. Bhure Lal Committee, which was constituted by an order of this Court on 7th January, 1998, has been submitting its Reports from time to time and in the Report submitted to this Court on April 1, 1999, it was pointed out that the private (non-commercial) vehicles comprise 90% of the total number of vehicles plying in the NCR. The Report also indicated that more than 90% of Nitrogen Oxide (Nox) and respirable particulate matter (RSPN) from vehicles exhaust over Delhi is due to diesel emissions which is a serious health hazard. On 16th April, 1999, after taking note of the Report of Bhure Lal Committee, this Court had issued certain directions including a direction to the learned Additional Solicitor

General to inform the Court, on an affidavit of a responsible Officer, about the number of diesel and petrol driven private vehicles registered in the NCR in 1997, 1998 and 1.1.1999 to 31.3.1999. That information has been furnished though it is totally incomplete.

3. After considering the suggestions made by Bhure Lal Committee and in the application filed by the learned Amicus and hearing learned counsel for various parties (automobile manufacturers), it appears appropriate to us to issue the following directions :

1. All private (non-commercial) vehicles which conform to EURO II norm may be registered in the NCR without any restriction.

2. All private (non-commercial) vehicles shall conform to EURO I norm by 1st June, 1999. All private (non-commercial) vehicles shall conform to EURO II norm by 1st April, 2000. Vehicles may in the meanwhile be registered in the manner indicated below :

With effect from 1st May, 1999, 250 diesel driven vehicles per month and 1250 petrol driven vehicles per month may be registered on first-cum-first serve basis in the NCR till 1st April, 2000 only if they conform to EURO I norm. From 1st April, 2000 no vehicle shall be registered unless it conforms to EURO II norm.

The direction given by us apply both to diesel as well as petrol driven cars (private non-commercial vehicles).

These directions are made only as an interim arrangement till further orders.

3. So far as the ban on the registration of diesel driven taxis is concerned, that shall be strictly enforced, unless the taxis also conform to EURO II norm. In other words no taxi (diesel) shall be registered with immediate effect unless it conforms to EURO II norm.

4. With a view to facilitate registration in the manner indicated above, the registering authority may register the vehicle concerned on a certificate of the manufacturer, duly authenticated by the authorised officer certifying that the vehicle concerned conforms to EURO I/EURO II norm.

5. At the request of the learned Additional Solicitor General, we grant liberty to the Union of India to seek variation/modification of this order if on, the basis of some data, it is considered necessary to do so.

I.As. 37, 39, 41

4. Copies of the applications shall be forwarded to Bhure Lal Committee, which is requested to examine the matters and submit its report/recommendations after granting opportunity to the automobile manufacturers likely to be affected by our directions to make their submissions in this behalf. Further Report of Bhure Lal Committee may be sent to this Court within 8 weeks.

5. List the matters in the last week of July, 1999 after consultation with the

learned Amicus.