

(1999) 04 SC CK 0018

In the Supreme Court Of India

Case No : Writ Petition (C) No's. 13029 of 1985 and 939 of 1996 and SLP (C) No. 13208 of 1998

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-04-1999

Acts Referred:

Citation : (1999) 10 JT 136 : (1999) 3 SCALE 6 : (1999) 6 SCC 9

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

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Bhure Lal Committee has submitted its Report dated April 1, 1999. A perusal of the Report reveals that private (non-commercial) vehicles comprise 90% of the vehicles plying in Delhi. It is estimated that more than 90% of the Nitrogen Oxide (NOx) and respirable particulate matter (RSPM) from vehicular exhaust over Delhi is due to diesel emissions. Impairment of visibility and haze-like conditions are also attributed to tiny suspended particulate matter in the air. Based on the report of its scientific panel, the California Air Resource Board formally designated diesel particulate as a Toxic Air Contaminant on 27th August, 1998 thereby declaring that it had the potential to cause cancer. It was estimated that chronic exposure to such toxic air contaminant would lead to 300 additional cases of lung cancer per million people. It is indeed a matter of serious concern - the very right to life of the citizens is at stake.

2. It is noticed that more and more private vehicles (non-commercial) are turning to diesel as the fuel of choice primarily because of the price differential between diesel and petrol. On account of extensive use of diesel there is rise in environmental pollution at a phenomenal level in the National Capital Territory of Delhi. Learned Amicus has filed an application seeking certain directions. One of the prayers made in the application is to direct the respondents "to forthwith suspend registration of diesel vehicles until further orders". Considering the

gravity of the situation and taking note of effects of diesel exhaust on the health of the citizens which are of extremely serious nature, we direct 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 N.C.R. in 1997 and in 1998. The affidavit should also disclose the number of registered private vehicles (both petrol and diesel separately) from 1st January, 1999 to 31st March, 1999. This information would be necessary to consider the grant of prayer made in the application filed by the learned Amicus. The information with regard to the vehicles would, of course include information with regard to two wheelers and three wheelers registered during the same period also. Their figures shall be given separately. (The affidavit shall be filed by the learned Additional Solicitor General at least two days prior to 29th April, 1999 with an advance copy to the learned Amicus.)

3. Mr. F.S. Nariman, learned Senior counsel appearing for one of the automobiles manufacturers - TELCO - submits that without further improvement in the quality of diesel, it may not be possible to control fully the harmful emissions but that he would have it examined through the Research & Development (R & D) wing of TELCO whether it is not possible to make certain modifications in the system of the vehicles to achieve EURO-II or even stricter norms to get best out of the vehicles operating on diesel by reduction of emission of sulphur content. It is submitted by him that TELCO has adopted some modifications and is also in the process of modifying the system further to achieve EURO-II norm to reduce to some extent the harmful effects of diesel emission through diesel operated vehicles. Mr. Nariman shall have the matter examined and file a report in this Court.

4. A copy of the application filed by the learned Amicus shall also be forwarded to Bhure Lal Committee to consider prayer 'C' made therein and advise the Court.

5. List on 29th April, 1999 at 10.30 A.M.

6. Learned Amicus has been supplied with copies of I.A. No. 33 filed on behalf of DTC seeking modification/clarification of directions dated 28th July, 1998 and the application filed by the union of India seeking extension of time for implementation of the directions given by this Court regarding introduction of unleaded petrol in the country and conversion of old vehicles in Delhi to use CNG. Both these applications shall be listed on 29th April, 1999 along with the main matter for orders.

7. Issue notice of the application (filed by Mr. U U Lalit - Amicus Curiae seeking certain directions to the Municipal Corporation of Delhi and the Deputy Commissioner, Delhi Police (Traffic). Mr. R K Maheshwari and Mr. S. Wasim A Quadric learned counsel accept notice on behalf of MCD and Deputy Commissioner Delhi Police (Traffic) respectively. They shall file their response to the application and shall also disclose as to why earlier directions issued by this Court from time to time and in particular the directions issued on 16th

December, 1997 have not been complied with so far.

8. I.A. Nos. 15, 16, 22, 28, 29 and 32 shall be listed after Summer Vacation on a date to be fixed by the Registry in consultation with the learned Amicus.