

WP(C)NO.13029 OF 1985

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSI.A.No.203 IN Writ Petition(Civil) No.13029/1985
(On behalf of Transport Deptt. Govt. of NCT of Delhi)M.C.MEHTA
UNION OF INDIA & ORS.Petitioner (s)
Respondent (s)

(For Directions)

Date : 20/12/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMAMr. Harish N. Salve, Sr.Adv. (AC)
Mr. Uday U. Lalit, Adv. (AC)

For Petitioner (s) In person (NP)

For Respondent (s) Mr. Mukul Rohtagi, ASG.
Mr. SWA. Qadri, Adv.
Mr. DS. Mahra, Adv.

Mrs. Manik Karanjawala, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sri Narain, Adv.
Ms. Anjali Jha, Adv. for
M/s S. Narain & Co., Adv.Mr. Siddharth Yadav, Adv.
Mr. Pramod Swarup, Adv.UPON hearing counsel the Court made the following
ORDER

Parties may respond to I.A.No.203 within four weeks. Meanwhile, we modify the order dated 16th December, 1997 and permit fresh registration of 5000 (Five thousand) new Auto Rickshaws on CNG/LPG mode. List the matter after four weeks.

(S. Thapar)
PS to Registrar(V.P. Tyagi)
Court Master

/true copy/

IN THE SUPREME COURT OF INDIA

ORIGINAL CIVIL JURISDICTION

I.A. No. _____

IN

W.P. (C) No. 13029 OF 1985

IN THE MATTER OF:

M C. Mehta ... Petitioner

VERSUS

Union Of India & Ors. ... Respondents

And in the matter of:

Pargati Sheel Auto Rickshaw
Drivers Union ... Applicant

I.A. NO. _____

**APPLICATION ON BEHALF OF PARGATI SHEEL AUTO RICKSHAW
DRIVERS UNION FOR IMPLEADMENT/MODIFICATION.**

PAPER BOOK

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SHAIENDRA SWARUP

ADVOCATE FOR THE APPLICANT

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IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION

I.A. No. _____

IN

W.P. (C) No. 13029 OF 1985

IN THE MATTER OF:

M.C. Mehta ... Petitioner

VERSUS

Union Of India & Ors. ... Respondents

And in the matter of:

Pargati Sheel Auto Rickshaw
Drivers Union ... Applicant

**APPLICATION UNDER ORDER 1 RULE 10 READ WITH SECTION 151
OF THE CODE OF CIVIL PROCEDURE, 1908 FOR
IMPLEADMENT OF THE APPLICANT WITH PRAYER FOR
MODIFICATION OF ORDERS DATED 16.12.1997 AND 20.12.2002 IN
W.P.(C) No. 13029/1985.**

TO,

**THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS HON'BLE COMPANION JUDGES OF THE
HON'BLE SUPREME COURT OF INDIA**

Most Respectfully Sheweth:

1. The Applicant is a union of auto rickshaw drivers named Pargati Sheel Auto Rickshaw Driver Union (Registration No 2778) having its office at C-219, Staff Quarters, Ashoka Hotel, New Delhi-110001. The Applicant is filing the present Application to ^{be Impounded} in the above Writ Petition and in public interest for taking up a matter of vital public importance and to prevent unjust enrichment of few and great inconvenience of public at large and the harassment of public due to the restriction on issue of fresh permits for registration of new Three Wheel Scooter rickshaws (TSRs) in the NCT of Delhi. The Applicant seeks to bring it to the notice of this Hon'ble court various facts including recent developments that have taken place till date, which calls for making TSR permits freely available and also an increase in the number of TSRs in the state of Delhi.

2. The relevant facts for the purpose of this Application are as under:
 - (a) In order to arrest the increasing vehicular pollution in Delhi this Hon'ble Court has been issuing appropriate directions from time to time. While considering the issue of vehicular pollution in the city of Delhi, this Hon'ble Court, vide its order dated 16.12.1997, issued following directions:-

“One of the major pollutants in the various affidavits as well as in the latest status report filed by the Government, is the TSR [two seater rickshaw using a two stroke engine]. We are further informed that although the existing figures of the registered TSRs as per the records, is approximately 83000, the actual

number in use is far lesser, since some of these permits have not been cancelled although the vehicles have been scrapped. It would in the interest of environment, to freeze the number of TSRs for the present at the level at which they are actually in use in the City. We, therefore, direct that there would be no grant of fresh permit in respect of the TSRs, save and except by way of replacement of an existing working TSRs with a new one."

True and correct copy of the order dated 16.12.1997 passed by this Hon'ble Court is enclosed herewith and marked as **Annexure- 'A'**.

- (b) It is submitted that as per the reports then filed it was found that two wheelers and TSRs which were powered by two stroke engines using normal fossil fuels i.e. petrol or diesel contribute to 80% of the vehicular pollution. It was also found on the basis of reports that replacing the "two stroke technology "with" four stroke technology could drastically reduce such pollution. In view of these facts and circumstances, the Department of Transport NCT of Delhi took a policy decision to register only the TSRs manufactured with four stroke technology.
- (c) However on the basis of the 2nd report submitted by Shri Bhure Lal Committee, which indicated certain measures for immediate improvement of air quality, this Hon'ble Court vide its order dated 28.07.1998 was pleased to passed several

directions. The relevant directions are as under:

"Implementation of direction to restrict plying of commercial vehicle including taxis, which are 15 years old by 2nd October 1998."

"Replacement of all pre 1990 Autos and Taxies with new vehicle on clean fuels by 31.3.2000."

"Entire city bus fleet [DTC & Private] to be steadily converted to single fuel mode on CNG by 31.3.2001."

True and correct copy of the order dated 28.07.1998 passed by this Hon'ble Court is enclosed herewith and marked as **Annexure- 'B'**.

- (d) Thereafter this Hon'ble Court vide order dated 22.09.1999, was pleased to extend the phasing out plan of old commercial vehicles by 31.12.1998. It is submitted that the phasing out plan of old commercial vehicles and replacement of all pre-1990 autos and taxis were implemented by the Transport Department. The existing autos were allowed to convert their vehicles to CNG mode. However, in view of several constraints including the short supply of CNG, this Hon'ble Court vide order dated 26.03.2001 passed following directions:

"6. Owners of other commercial vehicles including autos who have placed firm orders for new CNG Vehicles or for conversion to CNG Mode shall also give details on affidavit by 31st March, 2001 about their existing

vehicle, as also details of the orders placed by them for new CNG vehicle or for conversion to CNG Mode. On these affidavits being filed, they shall also be permitted to operate an equal number of existing commercial vehicles, provided are not more than 8 years old, till 30th September, 2001."

"8. We direct that after 01.04.2001, no commercial vehicle will be registered in Delhi which does not conform to the order dated 28.07.1998."

"10. We reiterate that except for the relaxation given above, no other commercial vehicles shall ply in Delhi unless converted to Single Fuel Mode of CNG w. e . f. 01.04.2001."

True and correct copy of the judgement and order dated 26.03.2001 passed by this Hon'ble Court is enclosed herewith and marked as **Annexure – 'C'**.

(e) This Hon'ble Court vide order dated 20.12.2002 in W.P.(C) No. 13029/1985 was pleased to modify its earlier order dated 16.12.1997 and allowed fresh registration of 5000 TSRs in Delhi. That apart from some permits to be allotted under SC/ST/OBC/General quotas, all other permits have been issued and the limit has been exhausted. The total number of applications received for allotment of the said 5000 fresh

permits for TSRs, by the Office of Motor Licensing Officer was approximately 15,000.

True and correct copy of the order dated 20.12.2002 passed by this Hon'ble Court is enclosed herewith and marked as **Annexure- 'C1'**.

- (f) The failure/non-ability of other means of public transport and the population explosion in Delhi have led to the increased demand for transport by auto rickshaws, and consequently demanding a need of fresh issue of TSR permits in NCT of Delhi to enable the registration of new TSR's using the single fuel Mode-CNG.

Being aggrieved and in the interest of general public of NCT of Delhi, by the orders dated 16.12.1997 and 20.12.2002 in W.P.(C) No. 13029/1985 of this Hon'ble Court inter alia freezing the number of permits for TSRs in Delhi, the Applicant is preferring this Application on the following facts and contentions:

- (i) That due to such limited number of TSRs in Delhi a new TSR is available only against scrapping of an old TSR, thus has paved the way for Private Financiers, Black-marketing and Cartels manipulating the limited TSR permits and TSRs available at present for ulterior motives and unfair gains. It may be mentioned that the cost of a new TSR is approximately Rs. 1.25 Lakh. The restriction on the number of TSR's in the NCT of Delhi has given the Cartels trading in TSR permits opportunity to charge exorbitant amount of Rs. 4.00 – 4.50 Lacs for a TSR and permit from a new purchaser/permit holder out of which the cost of the vehicle is 1.25 Lakh and the balance 3.25 Lakh is being charged

apparently on account of permit. The new purchasers/permit holders of TSRs cannot escape these cartels and are compelled to fall prey to them and forced to shell out 300% of the actual TSR cost, which in turn leads to the very same auto drivers being constrained to charge excessively and/or arbitrary fares from the general public. Thus a vicious chain of exploitation with consequent illegal ramifications is established originating with the black marketers/cartels, which reaches right down to the general public with the auto drivers being caught in the middle. The newspaper articles and other relevant papers evidencing such cartels is marked and annexed hereto as **Annexure – 'D' (Colly.)**. The plight of the general public and TSR drivers at the hands of the auto mafia and private financiers is also highlighted by an organization "*Centre for Civil Society*" in its report on the subject posted on its website extracts from which is marked and annexed hereto as **Annexure – 'E'**

- (ii) It is stated that the availability of a limited number of permits makes it lucrative for the auto mafia, private financiers, black-marketing and cartels to hoard the permits and sell them at high premiums later. At least 90% of the 5,000 permits that came into the market vide this Hon'ble courts order dated 20.12.2002 were acquired by the auto-mafia by luring poor, illiterate and unenlightened but eligible drivers.
- (iii) Due to such high acquisition cost of the vehicle including the permit, the auto drivers are required to pay monthly

installment of Rs. 12,000/- – Rs. 15,000/-. This translates into a daily expense of Rs. 500/- to Rs. 600/- on repayment alone. Such high repayment, constraints the TSR drivers to charge arbitrary rates from the general public. If this Hon'ble Court lifts the current cap on TSR permits, the prices and hence the repayments for these vehicles would automatically come down and will help a poor auto rickshaw driver make an honest living and since overcharging will be eliminated, the general public will also benefit due to honest cheaper fares being charged. This open market policy as in the city of Ahmedabad will ensure a natural correction in the maximum numbers of TSRs.

- (iv) That there has been an exponential growth in the population of Delhi in the last decade. The population of Delhi has grown from 1.27 Crores in 2001 to around 1.65 Crores in 2006. This in turn has lead to huge demand for adequate public transport system in Delhi, which has not matched the reality. Majority of the population traveling in Delhi depends on public transport such as buses, TSRs, taxis, Metro etc.
- (v) The three wheeler scooter rickshaws which are an intermediate public transport mode number about 50,000 and cater to a population of 1.27 crores i.e. population of TSRs per thousand population in Delhi is 4.3, whereas, when compared to smaller cities like Ahmedabad and Hyderabad which are much smaller in terms of size and population than Delhi, the average population of TSRs per thousand population is 10.0

and 12.5 for a population of 45 Lacs and 55 Lacs, respectively (All population figures as per 2001 census). The average number of TSRs per thousand population in Mumbai is 6.4 for a total population of 1.63 Crores, in the year 2001. True and correct copy of 2001 census containing the related information is marked and annexed as **Annexure – 'F' (Colly)**.

- (vi) The main mode of transport for majority of the population in Delhi remains road transport. The directions of this Hon'ble Court in MC Mehta 1997 (1998) 6 SCC 63 calling upon the NCT of Delhi to augment the bus fleet to 10,000 buses by 2001 has still not been met. The buses plying in Delhi both State owned and those under private operation have not kept pace within the demands of the growing population. On the other hand commercial vehicles other than TSRs, including taxis, goods vehicle and tractors have less than risen in the same period by 8.65% but caters to 60% of the total traffic load. The number of TSRs even though they are commercial mass public transport vehicles, have registered a negative growth of (-)7.50% for the period 1996-97 to 2006-07 owing to the freeze imposed on the issue of fresh permits for new registration of TSRs in Delhi. The TSRs in Delhi constitute less than 1.5% of the number of total automobiles plying on the roads in the city, which also caters to the large floating population of commuters from National Capital Region townscities like NOIDA, Ghaziabad, Gurgaon, Faridabad etc. True and correct copy of Economic Survey of Delhi, 2007-08

containing the related relevant information is marked and annexed as **Annexure – 'G'**.

- (vii) Any other medium like metro trains or even hi-capacity buses cannot be a substitute for Intermediate Public Transport (IPT) like auto rickshaws because these provide round the clock mobility, right at the doorstep and are crucial for points of entry like airports and railway stations. Not just that, these can be used easily for commuting by convalescents, patients, children, aged and tourists as also in case of emergencies. They provide comfortable and personal commuting experience. Most of the time they are mobile; hence require minimal parking spaces for minimum time.

The TSRs are the only mode of public transport in Delhi which operates at all times, especially at night, when every other public transport shuts down its services. (Metro both operates from 6 am – 11pm).

- (viii) The Transport Department of the Government of NCT of Delhi has entered into reciprocal common transport agreement with the governments of Haryana, Rajasthan and Uttar Pradesh for facilitating development of an effective, unrestricted and seamless movement of passengers and goods constituting inter-state traffic in the National Capital Region. The Reciprocal Common Transport Agreement makes the inter-state movement of TSRs (three seater auto-rickshaw operating on CNG fuel) subject to the relaxation of ceiling on

their number by this Hon'ble Court. The notification seeks to eradicate the long persisting problem of smooth and efficient public transport between Delhi and NCR region for convenience of the public. The proposed Notification was published in Delhi Gazette Extraordinary (Part IV) on 11.12.2008 and is marked and Annexed as **Annexure – 'H'**

- (ix) The essential purpose in its order dated 16.12.1997 in W.P.(C) No. 13029/1985 while freezing the number of TSRs in Delhi, was to curb the increasing pollution being caused by the then operational Two Stroke Engine TSRs in Delhi. The TSRs now available and operational today in Delhi run on the cleanest fuel available i.e. CNG and most of them have advanced four stroke engines which are eco-friendly and less polluting. It was also noted in the said order that the number of TSRs actually in use and registered were different. That after the said order the new TSR was being bought by way of replacement for an existing working TSR. That the number of TSRs was frozen by this Hon'ble Court at the level at which they were actually in use at the time of passing the order dated 16.12.1997, which was approximately 45,000. Further, vide order dated 20.12.2002, this Hon'ble court allowed registration of further 5,000 TSRs bringing the total number of TSRs in Delhi to approximately 50,000. The fresh registration of Four Stroke Engine TSRs on CNG mode is allowed it will not affect the environment as contemplated in order dated 16.12.1997.

(x) The Economic Survey of Delhi, 2007-2008 has emphasized on making public transport in Delhi more convenient and accessible so as to reduce and decongest the number of private cars on Delhi roads. The number of TSRs were in turn need to be increased on Delhi roads to achieve the objectives of the said Economic Survey promoting public transport. As has already been pointed out earlier, the remaining modes of public transport operating on Delhi roads, namely buses, taxis and the Metro are unable collectively to meet the demands of the general public at present despite there being no cap on their numbers.

(xi) There exists no restriction on issuance of number of new permits for other commercial transport vehicles or goods carriage vehicles in Delhi i.e. Taxis, goods transport auto rickshaws etc.

(xii) The strain and demand on public transport remains unabated and continues to rise despite the introduction of new modes of transport and in view of the fact that all the existing TSRs are on CNG mode there is no reason to restrict the fresh registration of TSRs on CNG mode.

4. The present Application is being preferred by a Union which has been dealing to improve the conditions of TSR owners and drivers who belong to the lower income groups and are largely unemployed able bodied persons including ex-servicemen. This large group has remained unrepresented in the Hon'ble Court.

5. It is stated that it would be in the interest of justice to allow the present Application. No prejudice will be caused to any parties if the present Application was allowed.


PRAYER

In these premises, it is, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- A. Permit the Applicant to be impleaded;
- B. Allow the fresh permits for registration of Four Stroke engine TSRs on CNG mode in Delhi and direct the Delhi government to make TSR permits freely available;
- C. Modify the order dated 16.12.1997 and 20.12.2002 of this Hon'ble Court in W.P.(C) No. 13029/1985;
- D. Pass any such other or further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

FOR THIS ACT OF KINDNESS THE APPLICANT, AS IS DUTY BOUND,
SHALL EVER PRAY.

FILED BY:



SHAIENDRA SWARUP
ADVOCATE FOR THE APPLICANT

Filed on: 13th April 2009.

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION

I.A. No. _____

IN

W.P. (C) No. 13029 OF 1985

IN THE MATTER OF:

M.C. Mehta	...	Petitioner
	VERSUS	
Union Of India & Ors.	...	Respondents

And in the matter of:

Pargati Sheel Auto Rickshaw Drivers Union	...	Applicant
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AFFIDAVIT

I, NARENDER GIRI, S/o RAMESH GIRI, aged about 45 years, resident of K-21/38E, STREET NO.9, WEST GHONDA, DELHI-110053, do hereby solemnly affirm and state on oath as follows:

1. I am the authorized signatory of the Applicant herein and am duly authorized to file this affidavit.
2. That I am fully conversant with the facts of the case and competent to depose thereto.
3. That the Annexures filed with the Application are true copies of the original documents, forming records of the case.
4. That the facts as stated in the accompanying Application under Order 1 Rule 10 read with Section 151 CPC for intervention/impleadment with prayer for modification of orders dated 16.12.1997 and 20.12.2002 in WP(C). No. 13029/1985 are

true and correct to my knowledge and based on relevant records and the legal submissions made therein are believed by me to be true.

DEPONENT

VERIFICATION

I the Deponent above named do hereby solemnly affirm and verify that the contents of paragraphs 1 to 4 of the above Affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 13th day of April, 2009

DEPONENT

commercially as decorative laminates have been expressly mentioned in entry at Serial No. 6, as substituted on the basis of Notification No. 144/94 dated 22-12-1994, does not mean that prior to the issuance of the Notification No. 144/94 dated 22-12-1994 products known commercially as decorative laminates fell within the ambit of Notifications Nos. 135/89 dated 12-5-1989 and 20/94 dated 1-3-1994 for the purpose of concessional rate of duty. The insertion of products known commercially as decorative laminates by Notification No. 144/94 dated 22-12-1994 only means that these products have been expressly excluded for the purpose of applicability of the concessional rate of duty.

27. There is, therefore, no merit in these appeals and the same are accordingly dismissed. But in the circumstances there is no order as to costs.

(1998) 1 Supreme Court Cases 676

(BEFORE J.S. VERMA, C.J. AND B.N. KIRPAL AND V.N. KHARE, JJ.)

M.C. MEHTA .. Petitioner;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

Writ Petitions (C) No. 13029 of 1985[†] with Nos. 9300 of 1982, 939 of 1996 and 95 of 1997, decided on December 16, 1997

Motor Vehicles Act, 1988 — Ss. 2(47), 19, 39, 45, 53, 84, 86, 112, 177, 183, 184, 207 — Traffic management and control in National Capital Region and National Capital Territory, Delhi — Directions already issued by Supreme Court — Further directions issued in the matter

See also *M.C. Mehta v. Union of India*, (1997) 8 SCC 770

Communist Party of India (M) v. Bharat Kumar, (1998) 1 SCC 201 : JT (1997) 9 SC 101, referred to

R-M/T/19022/C

Advocates who appeared in this case :

Ashok H. Desai, Attorney General for India, M.S. Usgaocar, Additional Solicitor General, Harish N. Salve, Senior Advocate [Mukul Mudgal, Ms Indra Sawhney, Deepak Dewan, A.K. Sharma, S. Wasim A. Qadri, A.D.N. Rao, Ms Niranjana Singh, P. Parameswaran, Advocates, for MOEF, Rajiv Dutta, Hardeep Singh Anand, Shri Narain, Sandeep Narain, M.C. Mehta, in-person, Ms Seema Midha, S.N. Sikka, D.S. Mahra, Ms Anil Katiyar, Advocate for (Ministry of Petroleum), D.K. Garg, Sanjeev Pabby, R.K. Maheshwari, Ms Manju Bharti, R.K. Kapoor, P. Verma, S.K. Srivastava, B.R. Kapur, Anis Ahmad Khan, Vijay Panjwani, R. Sasiprabhu, Anis Ahmed, Aditi Singh, Advocate, for (GAIL), Pradeep Misra, Ms Niti Dikshit, Sanjay Parikh, Kailash Vasdev, Mahabir Singh, Ms Sushma Suri, C.V. Subba Rao, Ashok Mathur, D.M. Nargolkar, V.B. Saharya, Ejaz Maqbool, R.P. Gupta, K.K. Gupta, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Satish Aggarwal and Ranjit Kumar, Advocates, with them] for the appearing parties.

Chronological list of cases cited

on page(s)

1. (1998) 1 SCC 201 : JT (1997) 9 SC 101, *Communist Party of India (M) v. Bharat Kumar*

678g

ORDER

1. After hearing the learned amicus curiae, the Additional Solicitor General and the counsel representing certain other interests, we issue the following further directions, namely:

(1) The figures in relation to issuance of commercial licences show that there is need to verify commercial licences which were issued during the period 1993-95. We, therefore, direct that all commercial licences issued during the period 1993-95 be re-verified by the Transport Department to weed out all such licences which have been issued without following the Rules.

(2) We are informed that a test has now been prescribed for issuance of new licences. We direct the Transport Department to prescribe a suitable refresher training course as a condition for the renewal of any licence to drive a heavy vehicle.

(3) The grantee of a permit cannot (without express prior permission), under the provisions of the Motor Vehicles Act, either transfer his permit or allow some other person to operate a vehicle on this permit. Any such use of permits — which really constitutes a trading in permits — is a patent violation of the Motor Vehicles Act and the Rules and would render the permit liable to cancellation, apart from other legal consequences. We direct authorities not to renew any permit which has been or is being used by any person other than the original grantee, without the express prior permission of the grantee.

(4) We direct the civic authorities to take necessary steps to remove immediately all encroachments — temporary or permanent — on roads and pavements, which affect the smooth flow of traffic or obstruct the way of pedestrians. Stray cattle and other similar obstructions would also have to be similarly dealt with.

(5) The need for safety of school children travelling in buses requires that such buses be fitted with doors that can be shut. We, therefore, direct that on or after 31-1-1998, no bus shall be used by an educational institution unless it is fitted with doors which can be closed. No educational institutions shall, after the said date, use a bus if it has an open door.

(6) Similarly, it is essential that, in addition to a driver, there is another qualified person in the bus who can attend to the children travelling in the bus. Rule 17 of the Motor Vehicles Rules, 1993 stipulates qualifications, duties and functions of a conductor. It would be in the interest of safety to require the presence of a qualified conductor on board every bus that is being used by an educational institution. We are told that at present there is a paucity of trained conductors. We, therefore, direct that on or after 30-4-1998, no bus used by or in the

service of an educational institution shall be permitted to operate without a qualified conductor being present at all times.

(7) We are also informed that some schools have voluntarily requested the parents of their wards to accompany the buses so as to ensure that the drivers drive safely and the lives of the children are not put in jeopardy. We commend this action, and direct the Education Department to ask all schools including government and municipal schools to evolve a similar arrangement as far as possible, so as to ensure that in each bus there is at least one parent present who would be able to oversee the conduct of the driver. This step would go a long way in ensuring that the directions given as well as other safety measures prescribed are complied with in letter and spirit and that the driver drives carefully.

(8) One of the problems, which has been brought to our notice, is the overcrowding of buses. After hearing the views of the Transport Department as well as the Delhi Police (Traffic Wing), we feel it appropriate to direct that no bus belonging to or in use of any educational institution, shall seat children in excess of 1.5 times its registered seating capacity. Similarly, other modes of public transport, such as TSRs, taxis and other vehicles used for transporting the students of an educational institution should not be permitted to carry children more than 1.5 times their registered seating capacity.

(9) One of the major pollutants identified in the various affidavits as well as in the latest Status Report filed by the Government is the TSR (two-seater rickshaw using a two-stroke engine). We are further informed that although the existing figure of registered TSRs, as per the records, is approximately 83,000; the actual number in use is far lesser since some of these permits have not been cancelled although the vehicles have been scrapped. It would be in the interest of the environment, to freeze the number of TSRs for the present at the level at which they are actually in use in the city. We, therefore, direct that there would be no grant of fresh permits in respect of the TSR, save and except by way of replacement of an existing working TSR with a new one.

(10) We direct the Police Commissioner to frame appropriate guidelines for regulating processions — religious, political or otherwise — which tend to obstruct the flow of traffic. These guidelines should be in conformity with the rights of the users of the roads and the exercise of fundamental freedom of other citizens indicated by this Court in its judgment in *Communist Party of India (M) v. Bharat Kumar*¹.

(11) The Union of India is directed to file within two weeks the Action Plan for appointment of private persons to enforce traffic safety laws and confer upon such people suitable powers under the CrPC as well as under the Motor Vehicles Act. The Union of India would also file its response to the repeated suggestion made by the Traffic Police as

well as the Transport Department for augmenting the uniformed force in the city.

a (12) There are certain modifications called for in our earlier order dated 20-11-1997, which we direct as hereunder:

(i) In para A(a), add the following:

“Requirement for installation of speed control devices would also not apply to vehicles operating on All India Tourist Permits issued by the Transport Department, NCT of Delhi.”

b (ii) In para A(f), the sentence commencing “no bus” and ending with “educational institution” shall stand substituted with the following:

“No bus belonging to or hired by an educational institution shall be driven by a driver who has—

c (a) less than five years of experience of driving heavy vehicles:

(b) been challaned more than twice in a year in respect of offences of jumping red lights, improper or obstructive parking, violating the stop line, violating the rule requiring driving within the bus lane, violating restricting the overtaking, allowing unauthorised person to drive;

d (c) been challaned/charged even once for the offence of over-speeding, drunken-driving and driving dangerously or for the offences under Sections 279, 337, 338 and 304-A of the Indian Penal Code.

e 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.

(iii) In para A(c), after the word “buses” add the words “heavy goods vehicles, medium goods vehicles, and 4-wheel light goods vehicles plying during the permitted hours.”

(iv) In para A(h), add the following:

f “Needless to add, this is in addition to the statutory power conferred under Section 115 of the Motor Vehicles Act under which the authorities can prohibit or restrict any class of vehicle(s) from being used, inter alia, on any particular route or during any period of time.”

g (14) The Transport as well as the Police Departments are directed to ensure that the contents of this order are duly publicised so that the people using roads are made aware of the restrictions imposed. They should also give publicity to the basic rules relating to safe driving, particularly those relating to user of bus lanes, changing of lane, overtaking and right of way on roundabouts. We direct the Union of India to make available the necessary facilities in this regard, particularly in relation to the electronic media.

h

authorities it has become necessary for the Court to examine the matter with a view to finding out the ways and means which are feasible and can be adopted immediately for the purpose of deciding the real scope/parameters within which the exercise has to be performed by the Court. Treating it as a legal issue it is necessary to examine the impact of the pleas right under Article 21 of the Constitution and the enforcement thereof, if necessary, by compelling performance of its obligation of the executive. One of the facets of this problem may also be the parameters to be satisfied in formulation of any policy so that the policy must be environment-friendly and be consistent with the principle of sustainable development. It is appropriate that a decision on this question is taken after hearing the learned amicus and the learned Additional Solicitor General who appears on behalf of the Union of India. The matter be listed for hearing on the question and the related aspects on 18-11-1997.

WP (C) No. 95 of 1997

2. Learned counsel for Union of India to also address arguments on the question:

“What is the reason for the issue of the notification dated 4-11-1986 and the subsequent notification of 8-3-1986 with regard to asbestos-related licences?”

3. List the matters on 18-11-1997.

Court Masters

(1998) 6 Supreme Court Cases 63

(BEFORE DR A.S. ANAND, B.N. KIRPAL AND V.N. KHARE, JJ.)

M.C. MEHTA .. Petitioner;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

Writ Petitions (C) No. 13029 of 1985[†] with No. 939 of 1996, decided on July 28, 1998

Constitution of India — Arts. 21, 47, 48-A, 144 and 32 — PIL — Vehicular pollution in Delhi — Implementation of Report of Environment Pollution (Prevention and Control) Authority for NCT — Follow up to earlier order dated May 12, 1998 reported at (1998) 5 SCC 767 — Time-bound direction issued to implement in phases the several solutions/restrictions for solving the problems giving rise to air pollution — Also, time-frame implementation of several measures fixed by Bhure Lal Committee approved and directed to be implemented failure of which would invite action under Contempt of Courts Act, 1971

M/20046/C

Advocates who appeared in this case :

Altaf Ahmed, Additional Solicitor General, Harish N. Salve (Amicus curiae), P.P. Malhotra, Shanti Bhushan and K. Parasaran, Senior Advocates [Uday Umesh

[†] Under Article 32 of the Constitution of India

Lalit, Manoj Prasad, Kailash Vasdev, Ms Indra Sawhney, Arvind Kr. Sharma, Ms Anubha Jain, Ms K.P. Mittal, Ms Niranjana Singh, Wasim A. Qadri, Ms Anil Katiyar, Ms Smitha Inna, D.S. Mahra, Pramod B. Agarwala, Ms Praveena Gautam, Aruneshwar Gupta, Srilok Nath Rath, Shri Narain, Sandeep Narain, Sushil Kumar Jain, A.P. Dhamija, Ms Kiran, Ms Arpita Roy Choudhary, Sanjay Katyal, Vineet Kumar, Rajeev Dutta, M.A. Chinnaswamy, R.P. Gupta, R. Sasiprabhu, R.K. Maheshwari, Ashok Mathur, Ranjit Kumar, Ejaz Maqbool, Hardeep Singh Anand, Vijay Panjwani, Anis Ahmed Khan, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh, Mahabir Singh and Dinesh Kumar Garg, Advocates, with them] for the appearing parties.

ORDER

1. Realising the urgency and importance of protection and improvement of the environment, this Court has given directions from time to time and impressed upon the authorities to take urgent steps to tackle the acute problem of vehicular pollution in Delhi. Assurances have been held out to the Court through various affidavits filed by the competent officers that effective steps shall be taken in a phased manner within a specified time-span. In spite of the matter having engaged the attention of this Court for a long time and lengthy debates on each hearing, precious little appears to have been done by the State Administration to check and control the vehicular pollution. We are rather distressed at this apathy of the State Administration, when according to the White Paper published by the Government of India, the vehicular pollution contributes 70% of the air pollution as compared to 20% in 1970. In the White Paper published by the Government of India, a deadline of 1-4-1998 had been proposed for implementation of major actions. No concrete steps have however, been taken till date in spite of the assurances held out in the affidavit dated 18-11-1996.

2. We find from the report submitted by the Authority appointed vide Gazette Notification dated 29-1-1998 that none of the major actions, as proposed, has been implemented. The Authority headed by Shri Bhure Lal has also proposed certain measures for immediate improvement of air quality and has given a time-frame but for the time being, we are not engaging our attention to that time-frame. We are, however, of the view that to arrest the growing pollution of air, certain steps need to be taken immediately. We, therefore, direct:

1. Implementation of directions to restrict plying of commercial vehicles including taxis, which are 15 years' old, by *2nd October, 1998*.

2. Restriction on plying of goods vehicles during the daytime shall be strictly enforced by *15th August, 1998*.

3. Expansion of premixed oil dispensers (petrol and 2T oil) shall be undertaken by *31st December, 1998*.

4. Ban on supply of loose 2T oils at petrol stations and service garages shall be enforced by *31st December, 1998*.

3. The Committee headed by Shri Bhure Lal has also proposed the following measures within the time-frame in its action-taken report filed in the Court:

		<i>Time-frame</i>
(A)	Augmentation of public transport (stage carriage) to 10,000 buses.	1-4-2001
(B)	Elimination of leaded petrol from NCT Delhi as proposed by the Authority and agreed to by the Ministry of Petroleum & Natural Gas.	1-9-1998
(C)	Supply of only premix petrol in all petrol-filling stations to two-stroke engine vehicles.	31-12-1998
(D)	Replacement of all pre-1990 autos and taxis with new vehicles on clean fuels.	31-3-2000
(E)	Financial incentives for replacement of all post-1990 autos and taxis with new vehicles on clean fuels.	31-3-2001
(F)	No 8-year-old buses to ply except on CNG or other clean fuels.	1-4-2000
(G)	Entire city bus fleet (DTC & private) to be steadily converted to single-fuel mode on CNG.	31-3-2001
(H)	New ISBTs to be built at entry points in North and South-West to avoid pollution due to entry of inter-State buses.	31-3-2000
(I)	GAIL to expedite and expand from 9 to 80 CNG supply outlets.	31-3-2000
(J)	Two independent fuel-testing labs to be established.	1-6-1999
(K)	Automated inspection and maintenance facilities to be set up for commercial vehicles in the first phase.	Immediate
(L)	Comprehensive I/M programme to be started by Transport Department and private sector.	31-3-2000
(M)	CPCB/DPCC to set up new stations and strengthen existing air-quality monitoring stations for critical pollutants.	1-4-2000

✓ 4. We approve the directions given and the time-frame fixed by Shri Bhure Lal Committee. The time-frame, as fixed by that Committee and today by this Court, in consultation with learned counsel for the parties, shall be strictly adhered to by all the authorities who shall also take effective and adequate steps to bring to the notice of the public, both through print and electronic media, various directions issued by this Court from time to time in general and the directions hereinabove contained in particular. Report in this behalf shall be filed in the Court within four weeks. We administer a strong caution to all concerned that failure to abide by any of the directions hereinabove noticed would invite action under the Contempt of Courts Act, 1971 against the defaulters.

(1998) 6 Supreme Court Cases 66

(BEFORE K. VENKATASWAMI AND M. JAGANNADHA RAO, JJ.)

C. RANGASWAMAIAH AND OTHERS .. Petitioners;
Versus
 KARNATAKA LOKAYUKTA AND OTHERS .. Respondents.

SLPs Nos. 8758-8764 of 1998†, decided on July 21, 1998.

A. Service Law — Deputation — Person sent on deputation continues to remain employees of the lending authority with which master and servant relationship continues till it is terminated — Police officers sent on deputation to Lokayukta by State Govt. continued to be public servants of the State Govt. unless and until they are absorbed in the Lokayukta

B. Service Law — Deputation — Entrustment of extra work by lending authority — Legality — Though after sending an employee on deputation no extra duties should be entrusted on him concerning the lending authority, apart from the duties entrusted on him by the borrowing authority, but when such extra duties are entrusted by the lending authority in exercise of statutory powers and the action is not objected to by the borrowing authority, then such entrustment of extra duties would be competent — Police officers of the State of Karnataka sent on deputation to Lokayukta, entrusted the extra duty by State Govt. to conduct investigation in exercise of powers under S. 17 of Prevention of Corruption Act, 1988 — Held, entrustment being in exercise of statutory powers was within jurisdiction of the State Govt. — But State Govt. should inform the Lokayukta about its desire to entrust extra work on its employees sent on deputation — If Lokayukta does not agree to such proposal for good reasons but State Govt. insists on conferring the extra work, Lokayukta can direct the deputationists not to take up any such extra work — But once Lokayukta does not object to such entrustment of work, Lokayukta should not raise objection when the deputationists are halfway through the extra work — But in any case the public servants against whom the investigation is going on under the Prevention of Corruption Act cannot raise such objection — Karnataka Lokayukta Act, 1984 (4 of 1985), S. 15 — Prevention of Corruption

† From the Judgment and Order dated 18-3-1998 of the Karnataka High Court in W.Ps. Nos. 24215, 32653, 33388, 27056, 27361, 33852 and 4361 of 1998.

ANNEXURE-C

convicts are in jail for more than 18 years. The Board also did not
 whether there would be any fruitful purpose of confining the convicts any
 more and also the socio-economic condition of their families. Regarding the
 petitioner — Md. Talib, the Review Board also noted that one co-convict ^a
 was released prematurely and was murdered in the encounter with other
 criminals after his release. The learned Additional Solicitor General informed
 us that the said co-accused was released in the year 1991 and was murdered
 in the year 1998 and therefore, in our opinion this fact has no nexus for
 consideration of premature release of the petitioner, Md. Talib. ^b

16. We are, therefore, of the view that the reasons given by the Review
 Board for rejecting the prayers for premature release of the petitioners are
 irrelevant and devoid of any substance. Accordingly, we quash the impugned
 orders of the Government and remit the matter again for deciding it afresh
 within the period of 3 months from today.

17. In the result the writ petitions are allowed. After issuance of the Rule, ^c
 the same is made absolute.

(2001) 3 Supreme Court Cases 756

(BEFORE DR A.S. ANAND, C.J. AND B.N. KIRPAI AND V.N. KHARE, JJ.)

M.C. MEHTA

Petitioner; ^d

Versus

UNION OF INDIA AND OTHERS

Respondents

Writ Petition (C) No. 13029 of 1985¹, decided on March 26, 2001

**A. Constitution of India — Arts. 21 and 32 — Vehicular pollution in ^e
 Delhi — Directions given in *M.C. Mehta case* (1998) 6 SCC 63 — Overriding
 effect of, over statutes — Having been issued to safeguard the people's right
 to health under Art. 21, held, the said directions override the provisions of
 every statute including MV Act — Moreover, emission norms fixed by MV
 Act for diesel vehicles, held, are in addition to and not in derogation the
 requirements of Environment (Protection) Act — Hence, bus operators
 complying with the norms fixed by MV Act, held, could not merely for that ^f
 reason, bypass the directions given in *M.C. Mehta case* — Motor Vehicles
 Act, 1988, S. 110(1)(g) — Central Motor Vehicles Rules, 1989, Rr. 115 and
 116 — Environment Protection and Pollution Control — Environment
 (Protection) Act, 1986, Ss. 3, 6 and 7 (Para 8)**

M.C. Mehta v. Union of India, (1998) 6 SCC 63, referred to

**B. Constitution of India — Arts. 21 and 32 — Vehicular pollution in ^g
 Delhi — Directions given in *M.C. Mehta case* (1998) 6 SCC 63 — Nature
 and binding effect of — Held, were directions in rem and not in personam
 — Hence, binding on all private bus operators operating buses in Delhi even
 if they were not parties to that case — More so when the directions were
 publicised from time to time through electronic and print media —
 Moreover, Bhure Lal Committee's directions having been accepted and ^h**

¹ Under Article 32 of the Constitution of India

incorporated by Supreme Court in its order, held, became part of Supreme Court's order and binding on all parties — Judgment — Judgment in rem (Para 8)

M.C. Mehta v. Union of India, (1998) 6 SCC 63, referred to

C. Constitution of India — Arts. 21 and 32 — Vehicular pollution in Delhi — Directions given in *M.C. Mehta case* (1998) 6 SCC 63 — Deadline for compliance with — Blanket extension of the deadline, refused — However, subject to certain conditions relaxations/exemptions up to 30-9-2001 granted to specific categories of vehicles which were not eight-years old — Detailed directions given. [Paras 12(1) to (7)]

M.C. Mehta v. Union of India, (1998) 6 SCC 63, referred to

D. Constitution of India — Arts. 21 and 32 — Vehicular pollution in Delhi — Directions given in *M.C. Mehta case* (1998) 6 SCC 63 — Applicability to contract-carriage operators of inter-State and tourist buses — Such operators even if they bona fide believed that they were not covered by the expression "city bus fleet" in Direction (G), held, were certainly covered by Direction (F) — Hence, could not after 1-4-2001 ply buses unless they were not more than eight-years old and plied on CNG or other clean fuel — Words and Phrases — "Clean fuel" — Scope — Unleaded petrol with low benzene, held, covered but diesel, especially as available in India, not covered — However, whether low sulphur diesel is covered, directed to be considered by Bhure Lal Committee [Paras 12(3) and 13]

M.C. Mehta v. Union of India, (1998) 6 SCC 63, referred to

E. Constitution of India — Arts. 21 and 32 — Vehicular pollution in Delhi — Registration of commercial vehicles in Delhi — Conditions precedent for — Commercial vehicle to be registered, held, must conform to the order in *M.C. Mehta case* (1998) 6 SCC 63 — Motor Vehicles Act, 1988, S. 40 — Registration of commercial vehicles in Delhi — Conditions precedent [Para 12(8)]

M.C. Mehta v. Union of India, (1998) 6 SCC 63, referred to

See also *M.C. Mehta v. Union of India*, (2001) 3 SCC 763, below

H-M/Z/23880/C

Suggested Case Finder Search Text (inter alia) :

pollution (vehicul* or motor)

Advocates who appeared in this case :

H.N. Salve, Solicitor General (Amicus Curiae), R.N. Trivedi and K.N. Raval, Additional Solicitor Generals, M.L. Verma, Raju Ramachandran, F.S. Nariman, T.R. Andhyarujina, Gopal Subramaniam, Shanti Bhushan, Salman Khurshid, V.R. Reddy, K.K. Venugopal and S. Balakrishnan, Senior Advocates [U.U. Lalit (Amicus Curiae), Ms Aparajita Singh, Nikhil Sakhardande, M.C. Mehta In-person, Ms A. Subhashini, H.S. Anand, Percy Gandhi, R.N. Karanjawala, Ms Nandini Gore, Ms Julie Buragohain, Ms Manik Karanjawala, L.K. Pandey, Rajiv Sharma, Gopal Jain, Ms Ruby Singh Ahuja, Sandeep Puri, Rajesh Kumar, A. Samad, Rakesh Kumar, Vinod Kumar, V.B. Saharya, Shri Narain, Ms Anjali, Er. Anil Kumar Mittal, S. Wasim A. Qadri, A.D.N. Rao, Bipul Kumar, D.S. Mahra, Ms Suvira Lal, Ms Niranjana Singh, Ms Anil Katiyar, A.D.N. Rao, C. Radhakrishna, B.V. Balaram Das, Prashant Bhushan, Sanjeev Kapoor, Sanjay Pathak, Vijay Panjwani, Ms Sheil Sethi, R.C. Verma, Vivek Vishnoi, Ms Kiran Kapoor, Rakesh Kr. Khanna, Ms Pallavi Choudhary, Surya Kant, Sushil Dutt Salwan, Piyush Sharma, Pramod Dayal, Sunil Gupta, Jatin Zaveri, Harish J. Jhaveri, H.K. Puri, S.K. Puri, Rajesh Srivastava, Ujjwal Banerjee, Ms Rani Chhabra, Ms Meenaxi, M.S. Bakshi, Subramonium

Prasad, S.N. Jha, Ms Astha Tyagi, P.K. Sharma, Divyang Kr. Chhaya, Abhijat P. Medh, Avimukt Par, Ms Kum Kum Sen, Ms Indu Malhotra, Ms Shyel Trehan, Raj Shekhar Rao, R.K. Maheshwari and Anil Srivastava, Advocates, with them] for the appearing parties.

ORDER

1. With a view to check rapid deterioration of air quality in Delhi, which was becoming a health hazard besides being an environmental enemy, certain directions have been issued by this Court from time to time in the main writ petition.

2. On 28-7-1998[†], some further directions were issued fixing a time schedule after taking note of the recommendations made by the Bhure Lal Committee. One of the important directions [Direction (G)] issued on that date was to the effect that the entire "city bus fleet was to be steadily converted to a single-fuel mode of CNG by 31-3-2001". Another direction [Direction (F)] was to the effect that "no eight-year old buses were to ply except on CNG or other clean fuel after 1-4-2000".

3. Unfortunately, neither the governmental authorities nor the private bus operators acted seriously or diligently in taking steps for the purposes of complying with the aforesaid directions and this was in spite of the fact that we had issued a strong caution to all concerned in our order dated 28-7-1998[†] that failure to comply with the aforesaid directions could render the concerned punishable for committing contempt of court.

4. A number of applications have now been filed and requests made at the Bar seeking extension of deadline to convert the entire city bus fleet to single-fuel mode of CNG beyond 31-3-2001. The Court has, on each date of hearing, been making it abundantly clear that the question of allowing buses, other than those which run on CNG to ply after 31-3-2001 did not arise. The Court made it clear to the administration as also to all other parties concerned that they had failed to show sufficient earnestness in implementing the order dated 28-7-1998[†] in the matter of conversion of the commercial vehicles operating in Delhi into CNG-fuel mode, ignoring interest of health of citizens and the Court could not overlook their lapses. The extensions have now been sought finding that the deadline of 31-3-2001 was fast approaching.

5. In the applications filed for extension of time, difficulties being faced by the transporters because of the non-availability of CNG-conversion kits free from all defects; conversion of CNG at reasonable prices; lack of stabilisation of CNG technology in respect of public transport as also the non-availability of CNG and CNG cylinders have been pointed out. There is, however, no satisfactory explanation offered either by the administration or the private transporters as to why they were sleeping over all this time and did not point out the difficulties earlier.

6. We are conscious of the fact that due to lack of effective action taken by the private bus operators as also the governmental authorities, with effect from 1-4-2001 inconvenience is likely to be caused to the commuting public including the school children who use the city buses, but, this "urban chaos",

[†] M.C. Mehta v. Union of India, (1998) 6 SCC 63

(to use the expression used by the administration) which may arise as a result of not extending the deadline fixed by this Court, however, is a creation of the administration and the private operators and they have to thank themselves for it. They are accountable to the commuting public for creating this situation. The administration does admit its "lapses" but the learned Additional Solicitor General has time and again submitted that for their lapses, "let the commuting public not suffer". It appears to be an argument of despair.

7. Out of a total fleet of 12,000-14,000 buses which operate locally in Delhi, DTC has a fleet of about 2000 buses. About 6000 buses operate on contract-carriage system. Approximately 6200 buses run on stage-carriage permit. These stage-carriage buses operate locally in Delhi, either under the DTC Km scheme or under the permit scheme.

8. On behalf of the stage-carriage permit transport operators, Mr K.K. Venugopal, learned Senior Counsel submitted that all their existing buses are meeting emission norms for diesel vehicles as prescribed under the Motor Vehicles Act and, therefore, they cannot be denied their right to ply their buses "even if they do not conform to the directions issued by this Court on 28-7-1998[†]" since they were not heard before fixing the time schedule on 28-7-1998[†] (as they were not parties to the writ petition). In other words what is sought to be challenged on behalf of these operators is the correctness of the order passed on 28-7-1998[†] at this belated stage. It is not possible to accept that all these years, these private operators were "unaware" of the directions issued by this Court on 28-7-1998[†]. We are not impressed with the argument of Mr Venugopal. The directions issued by us were not in any adversarial litigation. Besides our order was, and it was conceded by Mr Venugopal, an order *in rem* and not an order *in personam*. All private operators, who operate their buses in Delhi are bound by these orders, which were made to safeguard the health of the citizens, being a facet of Article 21 and had been publicised from time to time both in the electronic as well as print media. That apart, the Bhure Lal Committee had been set up under the Environment (Protection) Act and it was directed by this Court that the Committee could give directions towards effective implementation of the safeguards of Environment Protection Act, more particularly in matters aimed at preventing air pollution. Directions issued by the Bhure Lal Committee have, thus, legal sanctions and when accepted and incorporated by this Court become a part of its order, binding on all parties. Besides, directions given for safeguarding health of the people, a right provided and protected by Article 21 of the Constitution, would override provisions of every statute including the Motor Vehicles Act, if they militate against the constitutional mandate of Article 21. We must, however, hasten to add that norms fixed under the Motor Vehicles Act are in addition to and not in derogation of the requirements of the Environment Protection Act. If the owners of the stage-carriage buses chose to ignore the directions issued by this Court on 28-7-1998[†], they did so at their own peril. We wish to re-emphasise that those of the private bus operators, who have chosen not to

comply with the Court's orders and have not taken any steps for conversion of the vehicles to the CNG mode are not entitled to any indulgence from this Court. They must thank themselves for the situation in which they find themselves. a

9. DTC and some other private operators, though belatedly, have now taken steps and placed orders for CNG buses. Some of the schools, which own their own buses, have placed orders for CNG buses or conversion of their existing buses to CNG mode. Most of the schools are hiring buses from DTC and other private operators. Some other private operators have also taken steps to convert their buses to CNG mode either by placing orders for new CNG buses or by conversion to CNG mode. b

10. In the affidavit filed by Mr V.K. Bhatia on 22-3-2001 on behalf of DTC, it has been stated that currently 860 buses, both CNG and diesel, are being plied on school duties. It is further stated in the affidavit that these buses, apart from performing school duties in the morning and in the evening, are also deployed on the general route duties from the nearby depots or terminals. It is also stated in the affidavit that in addition to 860 buses on school duties, 160 spare buses are kept ready for deployment in case of replacement if the need arises. The affidavit discloses that orders have been placed by DTC for 1880 CNG buses and that order for another 120 buses is likely to be given shortly. c d

11. Insofar as contract-carriage permit-holders are concerned, we are informed that they have about 6000 buses in operation. According to their learned counsel, out of the said number of buses, 3100 buses run as school buses within Delhi under contract with different schools. About 1400 buses run as contract carriage to and from Delhi and within Delhi. Approximately 1000 buses have all-India tourist permits and they ply inter-State. Approximately, 500 buses are 27 seaters and air-conditioned, which are solely used for the benefits of tourists to visit tourist spots in and around Delhi. On their behalf their learned counsel has stated that these contract-carriage permit-holders have already placed orders for about 1000 new CNG buses. e

12. After hearing learned counsel for the parties seeking extension of 31-3-2001 deadline, we are of the opinion that a blanket extension of deadline cannot be given as that would amount to putting premium on the lapses and inaction of the administration and the private transport operators. Orders of this Court cannot be treated lightly. They are meant to be complied with in letter and in spirit. We, therefore, categorically decline to give any blanket extension of our Directions (G) and (F) as contained in the order dated 28-7-1998[†]. However, in public interest and with a view to mitigate the sufferings of the commuter public in general and the school children, in particular, we make the following relaxations or exemptions: f g

1. Those schools which have as on 31-3-2001 placed firm orders for replacement or conversion of the school buses owned by them to CNG mode, but, who have not so far obtained such buses running on CNG h

mode, are permitted to run their existing buses, *equal* to the number of buses for which conversion orders have been placed, provided such buses are not more than eight-years old, up to 30-9-2001. Those schools who are entitled to and wish to avail of this concession, shall before 31-3-2001 file affidavits in this Court giving details of the buses owned by them and the particulars of the orders placed by them for new CNG buses or for conversion of the existing buses to CNG mode. They will keep on replacing the existing buses with CNG buses as and when made available during this period.

2. DTC has placed orders for 1880 buses. Some of the CNG buses have already been received by them and are on their fleet. We permit DTC to run 1880 existing buses including the existing CNG buses which are not more than eight-years old till 30-9-2001. This, however, is subject to the condition that out of these 1880 buses, a full compliment of buses for the schools, namely, 860 buses plus the requisite spare buses shall be deployed for school duty. As and when new CNG buses are received by DTC, the existing buses shall be replaced.

3. It is represented on behalf of the contract-carriage operators of inter-State and tourist buses that the applicants were under the bona fide impression that the expression "city bus fleet" in Direction (G) of the order dated 28-7-1998[†] was not meant to take within its ambit buses owned by such tour operators as they run mostly on inter-State routes as luxury coaches. Even if that be so, their case would certainly be covered by Condition (F) of the order dated 28-7-1998[†], which provided that no eight-years old buses were to ply except on CNG or other clean fuel after 1-4-2001. Even if, it was bona fide believed that these buses were not to be converted to single-fuel mode of CNG, they could not in any case ply except on CNG or *other clean fuel*, such buses which were not more than eight-years old. Diesel, especially of the type available in India, is not regarded as a *clean fuel* whereas unleaded petrol with low benzene content is considered as clean fuel. These bus operators definitely need to comply with the directions given by us on 28-7-1998 and it is for them to switch over to CNG or other clean fuel.

4. Out of the 6000 contract-carriage buses, about 3100 also ply as school buses. We direct that owners of such contract-carriage buses, who have already taken steps for replacement of their buses by CNG buses or conversion to CNG mode, shall file affidavits giving particulars of the existing buses and details of the orders placed for replacement or conversion to CNG mode before 31-3-2001. They shall be permitted to ply their existing buses, *equal* to the number of existing buses for which steps have been taken to convert or replace to CNG mode, provided the existing buses are not more than eight-years old. Such buses shall be permitted to ply till 30-9-2001.

5. If any other bus operators, including stage-carriage permit-holders, have placed or shall place by 31-3-2001 firm orders for CNG buses or for conversion to CNG mode, they shall also be permitted to operate

equal number of their existing buses, which are not more than eight-years old till 30-9-2001, under the control and direction of the transport department subject to their filing undertakings in this Court by way of affidavits giving details of the buses owned by them, orders placed for conversion/new CNG buses by 31-3-2001. a

6. Owners of other commercial vehicles, including autos, who have placed firm orders for new CNG vehicles or for conversion to CNG mode shall also give details on affidavits by 31-3-2001 about their existing vehicles, as also details of the orders placed by them for new CNG vehicles or for conversion to CNG mode. On these affidavits being filed, they shall also be permitted to operate an *equal* number of existing commercial vehicles, provided the vehicles are not more than eight-years old, till 30-9-2001. b

7. We are of the view that tourists should not be put to avoidable inconvenience. After taking note of the fact that the number of buses owned by operators having all-India tourist permits are limited, we permit the operators having all-India tourist permits to ply their existing buses (both air-conditioned and others), which are not eight-years old, till 30-9-2001. They shall, however, give details of such buses and also file an undertaking before 31-3-2001, agreeing to replace their fleet to ply either on CNG or *other clean fuel* by 30-9-2001. c

8. We direct that after 1-4-2001, no commercial vehicle will be registered in Delhi which does not conform to the order dated 28-7-1998¹. d

9. The transport department shall take steps to ensure that there is no misuse or abuse of the relaxations given by us above.

10. We, reiterate that except for the relaxation given above, no other commercial vehicles shall ply in Delhi unless converted to single-fuel mode of CNG with effect from 1-4-2001. e

13. During the course of arguments, it was contended before us that low sulphur diesel should be regarded as a *clean fuel* and buses be permitted to run on that. It was submitted that in some other countries ultra-low sulphur diesel which has sulphur content of not more than 0.001 per cent is now available. We direct the Bhure Lal Committee to examine this question and permit the parties to submit their written representations to the Committee in that behalf. The Committee may submit a report to this Court in that behalf as also indicate as to which fuel can be regarded as "clean fuel", which does not cause pollution or is otherwise injurious to health. Let the report be submitted within one month. f

g

W.P(C)No. 13029 OF 1985

ITEM No.43

Court No. 8

SECTION PIL
A/N MATTER

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.No.203 IN Writ Petition(Civil) No.13029/1985
(On behalf of Transport Deptt. Govt. of NCT of Delhi)

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(For Directions)

Date : 20/12/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE H.K. SEMA

Mr. Harish N. Salve, Sr.Adv. (AC)

Mr. Uday U. Lalit, Adv. (AC)

For Petitioner (s) In person (NP)

For Respondent (s) Mr. Mukul Rontagi, ASG.

Mr. SWA. Qadri, Adv.

Mr. DS. Mahra, Adv.

Mrs. Manik Karanjawala, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sri Narain, Adv.

Ms. Anjali Jha, Adv. for

M/s S. Narain & Co.,Adv.

Mr. Siddharth Yadav, Adv.

Mr. Pramod Swarup, Adv.

UPON hearing counsel the Court made the following

O R D E R

Parties may respond to I.A.No.203 within four weeks. Meanwhile, we modify the order dated 16th December, 1997 and permit fresh registration of 5000 (Five thousand) new Auto Rickshaws on CNG/LPG mode. List the matter after four weeks.

(S. Thapar)
DS to Registrar

(V.P. Tyagi)
Court Master

The Times of India, New Delhi
 Wednesday, December 18, 2002

Allow new autos to break cartel's monopoly: Govt

By Shubhajit Roy
 TIMES NEWS NETWORK

New Delhi: In a bid to break the monopoly of autorickshaw cartels operating in the city, the Delhi state government has filed an affidavit in the Supreme Court requesting it to allow registration of new autorickshaws.

Delhi state transport minister Ajay Maken said if the court allowed registration of new autorickshaws, individuals would also be able to enter the trade. "This step would automatically weaken the monopoly of auto cartels," he added.

The government is also trying to work out a mechanism to ensure that the autos are genuinely bought by individuals and not get added to the fleet of the cartels.

The state government had previously decided to allow transfer of permits from January 1. These permits can be transferred to others for use. The state government will also benefit from this move as it will know the exact number of permit holders in the city.

By allowing new registration, the transport department hopes to attract individuals to own autos.

For now most of the individuals are employed by peo-

ple who own fleet of autos, ranging from 20 to 100 autos.

"Once we allow fresh registration of autos, individual drivers who are working like bonded labourers will get a chance to own autos. So, instead of driving someone else's autos and paying a daily rent of Rs 150 to 200, they can now keep the entire earnings with them," Maken said.

At present there is a cap on the new registration of autos by the Supreme Court. The step was taken in 1996 when there were about 83,000 autos.

This led to a seal on the number of people having permits to ply autos. Only those who had permits could bring in autos, replacing their old ones. With the introduction of CNG autos, private financiers grabbed the auto market. They bought autos at about Rs 90,000 and sold them to auto drivers at Rs 1.4 lakh. "The auto owners were caught in a financial crisis, and they handed their permits to these financiers. These financiers gave them loans at high interest rates and usurped the ownership of autos. The debt-ridden owners became drivers to these financiers," he said.

This led to the formation of cartels.

Printed from

THE TIMES OF INDIA

Talks to break auto deadlock planned

19 Dec 2002, 0051 hrs IST, TNN

NEW DELHI: The Delhi state government plans to call autorickshaw unions for a dialogue and coax them to start plying their vehicles. The auto strike continued on Wednesday and a large number of drivers took out processions and assembled near the Delhi secretariat, raising slogans against the transport department.

As about 50,000 autorickshaws remained off the roads for the second week, a few taxi unions threatened to join the agitation.

Delhi state transport minister Ajay Maken said an action plan had been prepared by his department to streamline autorickshaws in Delhi. Uppermost in the plan is the condition that autos would have to ply with electronic meters, a stand that the government has consistently taken and that has mainly led to the strike.

He also said the additional district magistrate in Burari will hold biweekly hearing during which autorickshaw drivers would get an opportunity to air their grievances. The ADM would also redress the grievances during these hearings.

The government also decided to allow transfer of permits as many autorickshaws had been sold and the original owners were untraceable. Maken said the auto unions had been demanding for a change in policy to allow transfer of permits and a decision had been taken in their favour. "Applications for transfer of ownership will be available at the autorickshaw unit in Burari from December 20. The scheme will be open till January 1, 2003," he said.

Maken said: "Autorickshaw drivers are losing out the most. They want to run their vehicles but are stopped by the owners."

He said the committee set to look into fare revision would give its report by next week. The minister said, "We fear that if we agree to the fare hike first, the autorickshaws may still not run by their meters. In that case, we would not be left with any option."

Printed from

THE TIMES OF INDIA

Government moves SC

19 Dec 2002, 0046 hrs IST, TNN

NEW DELHI: The Delhi state government on Wednesday moved the Supreme Court seeking permission to lift the restriction on registering new autorickshaws. The move is a bid to break the monopoly of autorickshaw unions.

Government's counsel S Wasim Ahmed Quadri said since all autorickshaws were now running on CNG, there was no fear of any increase in pollution. "Hence there's no reason to restrict fresh registration," he argued.

The state government has sought modification of the court's December 16, 1997, order that had frozen the number of autorickshaws and had asked the transport department not to grant fresh permits except for replacing old ones.

"Limitation on induction of fresh autorickshaws...has increased incidents of misbehaviour, overcharging and refusal to carry passengers," the government's counsel said. He argued that the level of pollution had reduced drastically following the decision to register only four-stroke autorickshaws.

"Increasing the number of autos will help us to control the incidence of misbehaviour," the government said in its petition.

It said with the conversion of all autos into CNG mode, there was no fear of any increase in the pollution level.

Thursday, December 19, 2002
Hindustan Times, New Delhi

Day 10 update

THE DELHI Government has favoured the issuing of fresh auto permits in order to "break the monopoly of the auto-owners' cartel". The Government believes that it is the auto-owners' cartel which is interested in continuing the strike. It has already told the Supreme Court that it favoured the issuing of fresh permits to badge-holders (those authorised to drive commercial vehicles in the capital). The case will be heard on Friday.

Transport Minister Ajay Malhotra said the Government had constituted a three-member committee to go into the fare-hike issue. The committee is expected to submit a report by December 24.

Meanwhile, BJP leader M.L. Khurana said at a press conference that if the Delhi Government had given any assurance of a fare hike to auto-drivers, it should be implemented. However, Khurana was non-committal on whether he himself personally favoured a fare-hike.

New Delhi

date 24-7-09

प्रेमचंद की 100 साल पुरानी कहानी दोहराई जा रही है। फर्क सिर्फ यह है कि उस कहानी में किसान थे, इसमें तिर्पाहिया वाले हैं। **रेड अलर्ट**

ऑटो वालों को भी 'लूटने' वाले हैं

ऑटो वालों पर तिकिया

ऑटो वालों को 10 साल तक चलने का समय दिया गया है। उसके बाद ऑटो वालक को 3 नए ऑटो की सरकार के पास जमा करना होता है। पुराना ऑटो जमा होने पर सरकार अपने वालक को 7000 रुपए देती है और बदले में नया आटो।

नए परमिट नहीं

सब कुछ परमिट नहीं मिल रहे हैं। ऑटो डीलर अब ऑटो मिल को से पुराने ऑटो खरीद लेते हैं निम्नका सड़क पर चलते 10 साल का समय होने जाना होता है। ये लोग ऑटो वालक को सड़क की तरह 7000 रुपए भी देते हैं और ऑटो की कीमत के रूप में करीब तीन 3 लाख रुपए।

पुराने ऑटो को डीलर जमा करा देते हैं और नए ऑटो का ऑर्डर दे देते हैं। इस तरह नए ऑटो की कीमत बढ़ने लगभग 4 लाख रुपए तक पहुँच जाती है जिसे वे लोग लगभग 1 लाख रुपए का रूप में बेचते हैं।

बैसा में नहीं ऑटो

दिल्ली के बाजारों में ऑटो कैसा भी नहीं मिलता है। चाहे आप फाइनेंसर के पास कैसा भी ऑटो लंबे जाएंगे तो वह आपका ऑटो नहीं बँदेगा। आपसे कहेगा कि ऑटो की कीमत 1 लाख 30 हजार

तिर्पाहिया वालों पर अवरार आराम लगता है कि ये ज्यादा किराया मांगते हैं, पहले से ड्रामा करते हैं, सवारी से अलगा बर्ताव करते हैं, रोजगार, रंगरत। कुछ तिर्पाहिया वालक को खूनाकार भी परदाताओं में भी शामिल पाए गए हैं। लेकिन ज्यादातर ऑटो धारकों की जिंजीरी का एक दूसरा पहलू भी है। का पहलू, जिसमें वे ठग जाते हैं, काज भरते के सुपुत्र में उस भर के लिए फंसा जाते हैं। यह सुपुत्र, जिसमें अनेक फाइनेंसरों के लगातार पो वारर होते पा जाते हैं।

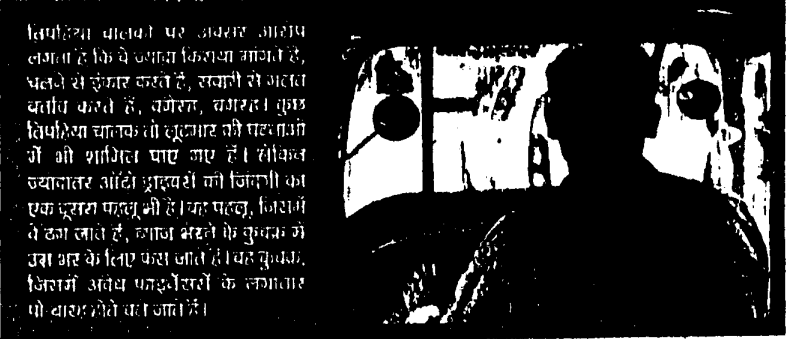
रुपए मगब दे दो, बाकी का फाइनेंस करावा लो। ऑटो का इनवाइस प्राइस 1 लाख 30 हजार रुपए ही होता है, इसलिए वे इनका पैसा ही मगब लेते हैं। बाकी तीन-सवा तीन लाख रुपए 18 प्रतिशत के इंटरस्ट रेट पर फाइनेंस कर देते हैं। जो लोग फाइनेंस नहीं कराने उनका आधा बहा मिलता है।

फाइनेंसरों के पास सवारीस नहीं

करोलबाज और डीलर कुरंजा मार्केट में ऑटो फाइनेंस करने के लिए शेकड़ों फाइनेंसर हैं। मगर किसी के पास लाइसेंस नहीं है। जानकारी के मुताबिक जे लोग किसी भी तरह से फाइनेंस का काम करते हैं उनको रिजर्व बैंक ऑफ इंडिया के पास रजिस्टर्ड होना होता है और इंटरस्ट से जो फन्दाई हो रही है, उस पर देकर वॉरंट भी देना होता है। मगर इन बाजारों में बड़े लोग किसी तरह से रजिस्टर्ड नहीं है। रजिस्टर्ड न होने से कानून से वे लोग कैसा भी नोरी कर रहे हैं और सरकार को बुरा लगा रहे हैं।

नौकर के नाम पर

ऑटो डीलरों की दुकान पर जो लोग कस करत हैं मालिक उनके नाम पर ही दर्जनों ऑटो की रजिस्ट्रेशन फाइल कर लेते हैं। काम करने वालों को इस बात का पता भी नहीं होता। खरीद-फरोख्त करने के दौरान सरकार को भी पता देना होगा, वे लोग



ऑटो डीलरों ने अपने बैटवर्क को इतना

असली भी चोरी कर रहे हैं। यदि कभी कोई कार्रवाई भी होती है तो वे बग निकलते हैं और फंसता है दुकान पर काम करने वाले।

मजबूत कर रहा है कि कोई भी नया आगमी उनके बैटवर्क को तोड़ नहीं सकता। नई आम आदमी यह चाहे कि वह ऑटो सिफरफ लेगा, तो उसके लिए यह संभव नहीं है। अटो खरीदने वाले को हर साल में इन्वी डीलरों की शरण में आना होगा।

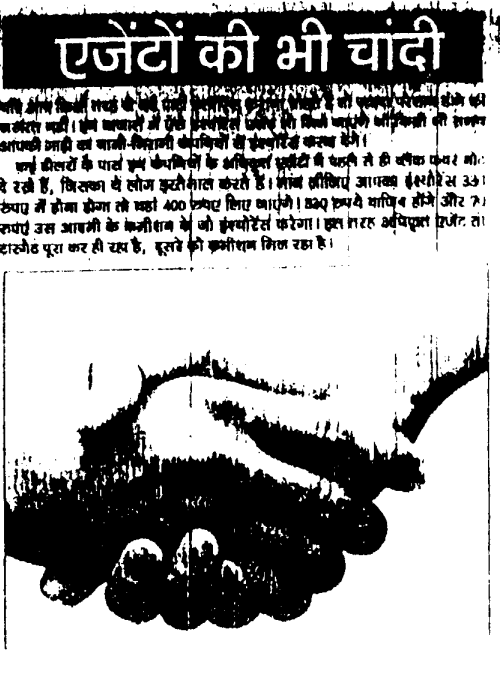


एजेण्टों की भी चांदी

ऑटो डीलरों के पास फाइनेंसरों के अधिकार फुटों से चलते से ही लोक फव्वार मोर दे रहे हैं, जिसका ये लोग फुटीनास करते हैं। मगर डीजिएर आपका इंश्योरेंस 300 रुपए में होना होगा तो बड़ा 400 रुपए लिए जाएंगे। 800 रुपए कापिब होने और 70 रुपए उस आगमी के कमीशन के जो इंश्योरेंस करेगा। इस तरह अंधधुंध एजेंट ता शास्त्रीय पूरा कर ही यह है, दूसरे को कमीशन मिल रहा है।

नौकर के नाम पर

ऑटो डीलरों की दुकान पर जो लोग कस करत हैं मालिक उनके नाम पर ही दर्जनों ऑटो की रजिस्ट्रेशन फाइल कर लेते हैं। काम करने वालों को इस बात का पता भी नहीं होता। खरीद-फरोख्त करने के दौरान सरकार को भी पता देना होगा, वे लोग





Why do auto rickshaw drivers overcharge?

-Prashant NARANG

- ISPP 2006 Delhi and ALSS 2006 Mumbai

- Any other medium like metro trains or even hi-capacity buses cannot be a substitute for IPT-intermediate public transport (autos and taxis) because these provide round the clock mobility, right at your doorstep and are crucial for ports of entry like airports and railway stations. Not just that, these can be used easily for commuting by convalescent, patients, children, aged and tourists also in case of emergencies. They provide comfortable and personal commuting experience. They are most of the time mobile; hence require parking spaces for minimum time.
- It is easier to become an industrialist in Delhi than an auto rickshaw driver.
- Thanks to license, quota and permits that a new or even a second hand auto rickshaw in Delhi costs almost twice. The cost of an auto rickshaw is higher than a new maruti car in Delhi only- around three lacs. It is not so expensive in Ahmedabad or in Mumbai. Why? Only because of government policies. Some rickshaw owners give their vehicle on rent to the poor drivers and charge very high rents (almost thrice) from auto rickshaw driver (ARD) as the permits are closed. So for a new entrant into this profession, the only possibility is to take a rickshaw on rent for Rs. 250-300 a day from the rickshaw owner. In other cities, this rent is around Rs. 100-150 a day. Here in Delhi, the government has not revised fare for past five years. It is least in Delhi- Rs. 3.50 per kilometer. In all other Indian cities it is much higher, up to Rs. 6.50 per kilometer. It is not feasible to pay up such high daily rent with this kind of fare structure. This discourages the ARD to ply by meters and they charge a higher fare from the commuter. Unaware of the policies, the commuters misunderstand and blame the ARD. Even then an ARD barely manages to save only Rs. 3,000-4,000 (85-95 \$) a month, as he ends up paying Rs. 6,000-9,000 (170- 190 \$) a month to the rickshaw owners. A chunk of this saving goes into maintenance of his vehicle. Whereas an auto rickshaw driver in Ahmedabad earns Rs 9,000 a month. No wonder, he never denies the commuter.
- Why is only a particular model of a particular brand of auto rickshaws allowed? Why not second hand cars? A second hand maruti costs Rs. 40-50, 000. If there is no restrictions on what a private vehicle user can driver, then why so many restrictions on them?
- If the government opens up permits or abolishes permit system, the rentals for the vehicle would automatically come down, hence helping the auto rickshaw drivers to earn an honest living. Though even in that case, the fare structure need to be revised.
- Mind you, this is the only private service/sector, where the government enforces what to charge. Can you quote any other private sector other than transport (bus and auto) where government tells what to charge from the consumer? In Scandinavian countries, neither there is any permit system nor there government fare structure. Hence there are taxi drivers competing with each other trying to provide the best service at minimum charges. For tourists and first time visitors, air port authorities get into contract with taxi companies to ensure that tourists are not cheated. But India is not yet liberalized for poor communities like auto rickshaw drivers. Government is exploiting this poor community. Better it should pull its hands out of deciding fare structure after liberalizing the market. They should open the market and they cannot give the excuse of traffic congestion, as there are only two percent auto rickshaws in Delhi.
- What is fare/price? It is customer's perception of the service or product consumed. Hence the market decides what the fare/price should be. Who decides price for cold drinks, chips, chocolates or toys, or clothes? Who fixes up what a private lawyer/doctor/teacher should charge?
- Is there a restriction in other professions that there can be only a fixed number of professionals? No. Then who decides? The market! It is simple demand and supply rule. Why is there restriction on number of autos, whereas there is no restriction on number of private vehicles? 94% Private vehicles, 2% auto rickshaws and 1% buses (as accessed on 29 november 2006)
- Can you quote any private entrepreneur whose uniform is decided by government other than auto rickshaw drivers? Why do we doubt that they would not wear good clothes in absence of a law? Government should decide uniforms only for its employees and prisoners (not even for them). Auto rickshaw drivers are neither its employees nor prisoners. The

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law just becomes a tool for bribery and corruption leading to their harassment.

- An ARD has least options to choose the fuel/ model of vehicle he wants to ply, or cannot fix up the fare, cannot wear clothes of his choice, has to renew his commercial driving license every five years (20 years in case of personal license), cannot expand his business or buy another vehicle, cannot sell his vehicle (except to the government as scrap) and has to pay very high price for purchase of his vehicle. He pays parking taxes to the government for parking space that does not exist. Where are those 312 parking slots meant for their parking? They do exist- mostly on papers.
- Why is there no bank finance facility available to them for buying auto rickshaws?
- 'Multiple commuters sharing' is not allowed. It can ease congestion.
- What about the fare revision committees? Why have they not submitted their reports? The last one- khullar committee had advocated for allowing branded auto rickshaw companies. The government should allow brands and co-operatives to emerge in this sector.
- Heavily regulated intermediate public transport has led to drastic increase in private vehicles resulting in heavy congestion and parking problem.<http://www.ccs.in/ccsindia/ecatalyst/jan2008/rikshaw-driver>

Why are those challans returned?

From 1998 to 2003, permit transfer was not allowed. Though one cannot think of any rational reasons, but that is how our government works. Of course there would have been auto rickshaw drivers who wanted to leave or join the profession for number of reasons, could be personal or medical or financial. Or some drivers would have died; hence how can the government put an abrupt stop on permit transfers? But it did. The result was illegal drivers. In 2003, when the government relaxed the policy, thousands of permits had been transferred illegally. Then Government hiked the permit fee from Rs. 50 to Rs. 1950. Why are such rules made that cannot be followed?

ANNEXURE - 'F'
(Colly)

Urban population

S No.	State / UT	Persons	Males	Females
1	India@	286,119,689	150,554,098	135,565,591
2	Andaman & Nicobar Islands	116,198	64,011	52,187
3	Andhra Pradesh	20,808,940	10,590,209	10,218,731
4	Arunachal Pradesh	227,881	125,261	102,620
5	Assam	3,439,240	1,837,092	1,602,148
6	Bihar	8,681,800	4,648,799	4,033,001
7	Chandigarh	808,515	450,122	358,393
8	Chhattisgarh	4,185,747	2,166,775	2,018,972
9	Dadra & Nagar Haveli	50,463	29,834	20,629
10	Daman & Diu	57,348	28,906	28,442
11	Delhi	12,905,780	7,085,147	5,820,633
12	Goa	670,577	346,703	323,874
13	Gujarat	18,930,250	10,067,806	8,862,444
14	Haryana	6,115,304	3,310,965	2,804,339
15	Himachal Pradesh	595,581	331,867	263,714
16	Jammu & Kashmir	2,516,638	1,383,274	1,133,364
17	Jharkhand	5,993,741	3,205,441	2,788,300
18	Karnataka	17,961,529	9,249,960	8,711,569
19	Kerala	8,266,925	4,017,332	4,249,593
20	Lakshadweep	26,967	13,940	13,027
21	Madhya Pradesh	15,967,145	8,412,559	7,554,586
22	Maharashtra	41,100,980	21,941,919	19,159,061
23	Manipur	575,968	286,681	289,287
24	Meghalaya	454,111	229,088	225,023
25	Mizoram	441,006	226,383	214,623
26	Nagaland	342,787	187,425	155,362
27	Orissa	5,517,238	2,911,600	2,605,638
28	Pondicherry	648,619	323,258	325,361
29	Punjab	8,262,511	4,468,449	3,794,062
30	Rajasthan	13,214,375	6,993,371	6,221,004
31	Sikkim	59,870	32,710	27,160
32	Tamil Nadu	27,483,998	13,869,415	13,614,583
33	Tripura	545,750	278,587	267,163
34	Uttar Pradesh	34,539,582	18,407,899	16,131,683
35	Uttaranchal	2,179,074	1,181,334	997,740
36	West Bengal	22,427,251	11,849,976	10,577,275

Source: Census of India 2001

ANNEXURE**Appendix 1 (Concl.d.)****The Trends in Urbanisation and Metropolitan Growth in India****Table 1.4: Population of Million-plus Urban Agglomerations/Cities (2001)**

Rank	Urban Agglomeration/City	Population (Million)	Population Growth			
			1981-1991	1991-2001	1981-1991	1991-2001
1.	Greater Mumbai	16.37	33.7	29.9	20.4	20.0
2.	Kolkata	13.22	19.9	19.9	6.6	4.1
3.	Delhi	12.79	46.9	51.9	43.2	36.2
4.	Chennai	6.42	26.4	18.5	28.9	9.7
5.	Bangalore	5.69	41.3	37.8	7.4	61.3
6.	Hyderabad	5.53	66.5	27.4	39.2	12.8
7.	Ahmedabad	4.52	29.5	36.4	22.9	18.9
8.	Pune	3.75	44.8	50.6	30.2	38.3
9.	Surat	2.81	64.4	85.1	62.2	62.3
10.	Kanpur	2.69	23.8	32.5	25.8	35.0
11.	Jaipur	2.32	49.6	53.1	49.2	59.4
12.	Lucknow	2.27	65.7	35.8	70.8	36.3
13.	Nagpur	2.12	36.4	27.6	33.2	26.2
14.	Patna	1.71	19.7	55.3	18.1	33.4
15.	Indore	1.64	33.7	47.8	31.6	46.3
16.	Vadodra	1.49	44.0	32.4	40.4	26.6
17.	Bhopal	1.45	58.4	36.9	58.3	34.9
18.	Coimbatore	1.45	19.6	31.4	15.9	13.1
19.	Ludhiana	1.40	71.8	33.7	71.7	33.7
20.	Kochi	1.35	38.3	18.8	13.5	2.4
21.	Visakhapatnam	1.33	75.1	25.7	33.0	28.9
22.	Agra	1.32	26.9	39.4	28.5	29.2
23.	Varanasi	1.21	29.3	17.5	29.6	18.4
24.	Madurai	1.19	19.7	10.0	14.6	1.9
25.	Meerut	1.17	56.5	37.4	67.9	42.5
26.	Nashik	1.15	63.7	58.8	80.6	63.9
27.	Jabalpur	1.12	17.4	25.7	20.8	22.0
28.	Jamshedpur	1.10	21.9	32.9	5.1	23.8
29.	Asansol	1.09	52.0	42.7	42.9	85.4
30.	Dhanbad	1.06	18.9	30.5	26.2	31.1
31.	Fardabad	1.05	86.7	70.8	86.7	70.8
32.	Allahabad	1.05	29.9	24.3	28.7	24.9
33.	Amritsar	1.01	19.2	42.6	19.2	27.3
34.	Vijayawada	1.01	37.8	19.6	32.9	17.6
35.	Rajkot	1.00	47.1	53.1	25.7	72.8
	Total	107.88				

Source : Census of India 1971, 1981, 1991 and 2001.

CHAPTER - 12

TRANSPORT

1. Concerted efforts have been made by the Government to increase transport mobility alongwith offering a better transport infrastructure. However Government is equally conscious of the fact that a lot more needs to be done, to have a pro-public transport system in place so that dependence on private mode of transportation gets reduced. Efforts would be made to ensure that mobility of people at large both through mechanised vehicles (Private & Public) and also through non-mechanised vehicles get increased alongwith creating space for pedestrians and pedestrianation of some of the public places. In this chapter, the demand, infrastructure facilities and efforts put in by government to improve the system have been analyzed.
- 2.1 Transport is a priority sector in Eleventh Five Year Plan [2007-12] of Delhi for which an allocation of Rs.15251.70 crore is proposed out of total proposed plan outlay of Rs.45000 crore. It accounts for 33.86% of the total Plan Outlay for Eleventh Five Year Plan of Delhi.
- 2.2 Although population of Delhi started increasing at a very high rate since 1947, the single mode of public transport continued till 2002, when first corridor of Delhi Metro was started. Govt. of Delhi has planned to provide best multi model public transport system to the citizens of Delhi which is based on a number of studies conducted so far. Some of the major studies conducted for transport planning in Delhi are given in Table.12.10

STATEMENT 1

SN	Category	No. of Vehicles (In Lakh)		Decenial growth rate % [1996-97 to 2006-07]	Annual Compound Growth Rate%
		1996- 97	2006- 07		
A	Private Vehicles				
i.	Four Wheelers [Cars, Jeeps/St. Wagon]	7.06	15.99	126.49	8.64
ii.	Two Wheelers [Scooter, Motorcycle]	18.76	33.36	77.82	5.61
	Sub Total	25.82	49.35	91.13	6.54

SN	Category	No. of Vehicles		Decennial growth rate % [1996-97 to 2006-07]	Annual Compound Growth Rate%
		1996-97	2006-07		
B. Commercial Vehicles					
iii.	Auto Rickshaw	0.80	0.74	(-) 7.50	(-)1.37
iv.	Taxis	0.15	0.26	73.33	3.71
v.	* Buses	0.30	0.46	53.33	4.07
vi.	Goods Vehicle + Tractor	1.41	1.43	1.42	(-)1.11
	Sub Total	2.66	2.89	8.65	(-)0.20
	Total	28.48	52.32**	83.43	6.06

* Including Light Passenger Vehicle and Medium Passenger Vehicles

** Including ambulances and other unidentified vehicles - (7891)

- 3.1 The statement-1 shows that there has been an exponential growth in the number of vehicles, which increased from 28.48 lac in 1996-97 to 52.32 lakh in 2006-07 at an annual compound growth rate of 6.06%. Decennial growth rate is substantially higher in case of private vehicles (91.13%) as compared to commercial vehicles (8.65%). In the category of private vehicles, Cars & Jeeps have registered a decennial growth rate of 126.49%, which is highest among all the categories of vehicles followed by two wheelers (i.e. scooter, motorcycle & moped) with 77.82%. In the commercial category of vehicles, Taxis, have registered highest decennial growth rate (73.33%) followed by Buses including Light, Medium & Heavy Passengers vehicle (53.33%). Auto Rickshaws have registered a negative decennial growth rate of (-) 7.50%. The same trend has been observed if data is compared according to compound annual rate of growth. Further, year wise vehicles population & its growth trend may be seen in table 12.1 & 12.2
- 3.2 The percentage distribution of categories of motor vehicles in Delhi (Table- 12.3) shows that there has been a rapid proliferation in the number of cars/jeeps during the decade, while there has been a decline in the relative share of motorcycle & scooters, auto rickshaws, and goods vehicles. The annual growth rate of total motor vehicles (Registration) in Delhi showed a declining trend during 1994-95 to 2006-07. The percentage share of cars/jeeps to the total number of vehicles in Delhi has increased from 21.98% in 1990-91 to 30.57% in 2006-07.
- 3.3 According to a recent study by the Society of India Automobile Manufacture, Delhi has 85 private cars per 1000 population. Overall, car penetration in India, however, continues to remain low at 8 cars per 1000 population. Car density in Delhi is more than 10 times of national average.

Table 12.2

MOTOR VEHICLES IN DELHI

Types of Vehicle	2000-01		2001-02		2002-03		2003-04		2004-05		2005-06		2006-07		
	During	Cumulative	During	Cumulative	During	Cumulative	During	Cumulative	During	Cumulative	During	Cumulative	During	Cumulative	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Cars & Jeeps	705923	84482	957925	89123	1047048	92705	1139753	104006	1243759	115514	1359273	112585	1471858	127605	1599463
Motor Cycles & Scooters	1876053	121465	2199051	140872	2339923	162561	2502484	156965	2659449	180389	2839838	238822	3078660	257103	3335763
Ambulance		77	1498	132	1630	90	1720	137	1857	124	1981	107	2088	134	2222
Auto Rickshaws	80210	0	70145	1	70146	0	70146	3292	73438	750	74188	0	74188	12	74200
Taxis	15015	1059	9604	3294	12898	1959	14867	1366	16233	1904	18137	2509	20646	5245	25891
Buses	29572	1467	16981	3522	20503	2314	22817	1256	24073	724	24797	714	25511	380	26491
Other		964	6577	2842	9419	3374	12793	1939	14732	16341	16366	2012	18378	1373	19751
Passenger vehicles															
Tractors		5	4595	26	4621	35	4656	41	4697	66	4765	46	4811	48	4859
Goods Vehicles (All Type)	140922	2053	102982	2880	105862	5171	111033	5686	116719	5287	122006	6187	128193	9790	137983
Others		16	5796	8	5803	0	5803	0	5803	0	5803	0	5803	0	5803
Total	2847695	211588	3375153	242700	3617853	268219	3886072	274688	4160760	306394	4467154	362982	4830136	402290	5232426

Source: Transport Department, Government of NCT of Delhi.

Table 12.3

TYPE OF MOTOR VEHICLES IN DELHI AS % SHARE

Type of Vehicle	1990-91	1996-97	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
1	2	3	4	5	6	7	8	9	10
Cars & Jeeps	21.98	24.79	28.38	28.94	29.33	29.89	30.43	30.47	30.57
Motor Cycles &									
Scooters	67.32	65.88	65.15	64.68	64.40	63.92	63.57	63.74	63.75
Ambulance			0.04	0.04	0.04	0.04	0.04	0.04	0.04
Auto Rickshaws	3.48	2.81	2.08	1.94	1.8	1.77	1.66	1.54	1.42
Taxis	0.56	0.53	0.29	0.36	0.38	0.39	0.41	0.43	0.49
i. Buses									
ii. Other Passenger	1.04	1.04	0.50	0.57	0.59	0.58	0.55	0.53	0.51
vehicles			0.20	0.26	0.33	0.35	0.37	0.38	0.38
Tractors									
Goods Vehicles			0.14	0.13	0.12	0.11	0.11	0.10	0.09
Others	5.62	4.95	3.05	2.92	2.86	2.81	2.73	2.65	2.64
Others			0.17	0.16	0.15	0.14	0.13	0.12	0.11
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source : Transport Department, Government of NCT of Delhi.

Table 12.4

ANNUAL GROWTH RATE OF MOTOR VEHICLES

Type of Vehicles	1994-95	1996-97	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
	2	3	4	5	6	7	8	9	10
Cars & Jeeps	14.23	12.34	9.21	9.06	8.96	8.84	8.74	8.66	8.64
Motor Cycles & Scooters	10.66	8.80	6.48	6.06	5.78	5.54	5.36	5.41	5.61
Auto Rickshaws	10.37	7.28	2.29	0.98	(-0.05)	(-0.65)	(-1.11)	(-1.39)	(-1.37)
Taxis	4.08	5.45	3.55	2.11	1.39	1.12	1.26	1.93	3.71
i. Buses	7.04	7.52	5.19	3.79	3.18	3.23	3.31	3.63	4.07
ii. Other Passenger vehicles									
Tractors	8.69	7.08	2.99	1.22	(-0.09)	(-1.04)	(-1.64)	(-1.71)	(-1.11)
Goods Vehicles									
Total	11.18	9.38	6.85	6.44	6.18	5.96	5.81	5.84	6.06

Source : Transport Department, Government of NCT of Delhi

Base Year 1984-85

TOI - 13.12.2008

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT
 (STATE TRANSPORT AUTHORITY)

5/9, UNDER HILL ROAD, DELHI - 110 054

NOTIFICATION PUBLISHED IN DELHI GAZETTE EXTRAORDINARY (PART-IV) ON 11th DECEMBER, 2008

No. TCO/SIA/DTC/CAU06/07/pt/11482 in exercise of the powers conferred by Sub-section (6) of Section 88 of Motor Vehicles Act, 1988 (57 of 1988), the Lieutenant Governor of National Capital Territory of Delhi after previous publication and taking into consideration any objections and suggestions received, hereby publish the Reciprocal Common Transport Agreement among Governments of Delhi, Haryana, Rajasthan and Uttar Pradesh for unrestricted movement of Contract Carriages in National Capital Region comprising parts of adjoining States to National Capital Territory of Delhi as defined in the Para 2.1 of the Regional Plan-2021.

By order and in the name of
 Lt. Governor of Government of National Capital Territory of Delhi

(R. K. VERMA)
 SECRETARY-CUM-COMMISSIONER (TRANSPORT)

RECIPROCAL COMMON TRANSPORT AGREEMENT AMONG THE GOVERNMENTS OF HARYANA, NCT OF DELHI, RAJASTHAN AND UTTAR PRADESH

Whereas in the interest of facilitating development of an effective National Capital Region (NCR) comprising parts of adjoining States to Delhi i.e. Haryana, Rajasthan & Uttar Pradesh as defined in the para 2.1 of Regional Plan - 2021 for NCR and is at Annexure-I, there is dire need for unrestricted and seamless movement of interstate traffic in the National Capital Region i.e., among these States by a reciprocal common agreement. A map showing constituent area of National Capital Region is at Annexure-II.

Now, therefore, the Government of Haryana, NCT of Delhi, Rajasthan and Uttar Pradesh hereby agree on the following terms and conditions:
 This agreement is made on 14th day of October, 2008 among the Governments of Haryana, NCT of Delhi, Rajasthan and Uttar Pradesh (each expression shall include their successors/assigns in office).

Whereas, it is expedient in view of the rapid economic development and environment of the National Capital Region to encourage unrestricted and seamless movement of interstate traffic of the passengers and goods in the NCR and to regulate, coordinate and control their operations, it is necessary to make a reciprocal common agreement among and through the Constituent States of NCR i.e. Haryana, GNCT-Delhi, Rajasthan and Uttar Pradesh.

And Whereas the parties hereto agree that this agreement supercedes all the previous agreements on the subject entered into between them or among them for NCR. This Agreement shall have an overriding effect over all the other Agreements hereby applicable to NCR in the region.

NOW THIS DEED WITNESSES and the parties hereby mutually agree as follows:-

- The agreement shall come into force with immediate effect. The Court Orders/Directions specific to the movements of vehicle in an area will have to be obeyed.
- Contract Carriage Permits:**
 - Motor Cab/Taxi Permits (Non-Temporary Permits):
 Contract carriage permits for motor cabs/taxis using clean fuel (CNG) conforming to prevailing Euro norms in NCR and registered in NCR area as defined in para 2.1 of Regional Plan-2021 for NCR and subsequent modification in the Constituent area, if any, will be required to be countersigned by participating States on being issued by any of these States. Motor cabs/taxis using clean fuel (CNG) conforming to prevailing Euro norms in NCR, registered in Delhi, Sub-regions of Haryana, Rajasthan and Uttar Pradesh comprising of National Capital Region area as defined in Para 2.1 of Regional Plan-2021 for NCR and subsequent modification in the constituent area, if any, may move unrestricted and are exempted from paying passenger tax and road tax. No additional permit charges would be required to be paid in addition to permit charges paid in the State where the vehicle is registered in NCR. Auto-rickshaws operating only on CNG fuel and registered in NCT Delhi and Sub-regions of Haryana, Rajasthan and Uttar Pradesh constituting National Capital Region as defined in Para 2.1 of Regional Plan 2021 for NCR and subsequent modification in the constituent area, if any, may move in the NCR and are exempted from paying passenger tax and road tax. The auto-rickshaws would be required to be paid in addition to permit charges paid in the State where the vehicle is registered in NCR. The auto-rickshaws and taxis registered in NCR and plying across the border would be given a colour code and logo for easy recognition. There would not be any kind of tax for taxis and auto rickshaws registered in NCR entering into any area within NCR boundary. Interstate movement of auto-rickshaws in NCR would be as per numbers given in Annexure III. Town/District wise allocation of permits/routes/areas in Haryana, NCT of Delhi, Rajasthan and Uttar Pradesh would be made by the concerned State Governments or their departments depending upon the demand/potential in their districts/towns. However, countersigning of the permits for these vehicles would be required. Inter-state movement of auto-rickshaws in Delhi would be subject to the relaxation of ceiling on its numbers by the Hon'ble Supreme Court.
 - Contract Carriage Permits other than Motor cabs (Non Temporary Permits under the motor Vehicle Act, 1988):
 Contract carriage permits for vehicles other than motor cabs, including educational institutional buses used solely for the purpose of transporting students/staff of the educational institutions in connection with any of its activities, using clean fuel (CNG) conforming to prevailing Euro norms in NCR and registered in NCR area as defined in Para 2.1 of Regional Plan-2021 for NCR and subsequent modification in the Constituent area, if any, will be required to be countersigned by participating States on being issued by any of these States. The contract carriage (other than motor cabs) registered in NCR and plying across the border would be given a colour code and logo for easy recognition. All these vehicles will be subject to speed controlled devices as per the orders of the Supreme Court issued from time to time.
 - Contract Carriage Permits (Temporary Permits under the motor Vehicle Act, 1988):
 Permits may be issued by the Transport Authority of these States irrespective of numbers without prior concurrence of the Transport Authority of the other State, according to the need of the commuters/passengers. The permit shall contain the detailed programme of the tour, showing the dates of onward and return journeys, the order in which the various places shall be visited along with and indication of the appropriate date of the arrival and the departure from each such place. These permits shall also contain list of passengers traveling in the vehicle. All these vehicles will be subject to speed controlled devices as per the orders of the Supreme Court issued from time to time. These vehicles shall use clean fuel (CNG) conforming to prevailing Euro norms in NCR.
- General Provisions for Temporary Permits**
 - Separate list of different types of Temporary Permits (Contract Carriage) issued in each month shall be submitted to the Transport Commissioners or concerned competent authority of each State by the other States.
- Taxation:**
 - The licence/permit fee/tax/countersignature fee for all the carriages (Contract) shall be fixed by the members of all the participating states as per their own policies.
 - Single point tax and uniform tax rates shall apply to vehicles covered by contract carriage permits. Till uniform rates are decided, existing tax rates for collection of taxes may continue.
 - Temporary permits shall be issued on the basis of double point taxation according to rules in force and the vehicles shall be liable to pay taxes due to the other reciprocating State.
 - Information regarding temporary permits issued under the agreement shall, as soon as possible, be given by the Permit issuing Transport Authority to the reciprocating State stating date of vehicle owner(s) registered/laden weight of the vehicle/route for which the permit is granted and the period of validity of the permit. This information shall be given in the name of the Transport Commissioner or the Secretary, State Transport Department, as the case may be.
- General**
 - The reciprocating States shall accord recognition of the Tax tokens, drivers and conductor license, transport vehicle authorization and the certificate of fitness issued under the relevant rules of each of these States in respect of vehicles operating on interstate routes, in accordance with this agreement.
 - This agreement shall be valid for next ten years or till such time a new Agreement is signed among the constituent States which ever is earlier. The Agreement can be renewed after five years, if need arises. While other peripheral issues can be sorted out in the annual meeting of the Group, a re-notification for the changes within the framework of the Agreement can then be done on annual basis.
 - Permits issued within the terms of reciprocal agreement should normally be countersigned immediately on presentation before the Regional Transport Authority or the State Transport Authority of the concerned States, subject to payment of countersignature fee and other taxes due to that States for the time being. This is valid only in case of Contract Carriage buses/minor buses. In case of Motor cabs/Taxis & Auto-rickshaws no taxes (passenger/road tax) shall be payable.
 - Exceed weight restriction fixed by NCR States shall not be exceeded.
 - The Age of the vehicle shall be limited to fifteen years for CNG vehicles and eight years for diesel operated vehicles till any further Directions are issued in this regard.
 - The States shall take initiative to computerize the database of drivers, vehicle registration and other related information in the NCR districts on priority basis. States should also endeavour to implement the usage of RFID enabled registration plates, replace old registration plates in phased manner, GPS vehicle tracking system in new vehicles, expedite the implementation of e-payment for depositing various taxes related to transportation and ensure bar-coding of finger-prints of drivers.
 - At present sufficient number of CNG stations are not available in most of the areas of NCR other than Delhi. All the constituent States and other stakeholders will endeavour expediting the availability of CNG in NCR at the earliest possible.

IN WITNESS THERE OF, the parties hereto, have signed the agreement on this, 11th day of December, 2008.

For and on behalf of the Government of Haryana:
 Sd/-
 Sameer Mazumdar
 (Financial Commissioner and Principal Secretary) (Transport),
 Transport Department,
 Government of Haryana

For and on behalf of the Government of Rajasthan:
 Sd/-
 S.N. Tharu
 (Principal Secretary Transport),
 Transport Department,
 Government of Rajasthan, Jaipur

Witnesses:
 Sd/-
 Dr. Noor Mohammad, (Member Secretary)
 NCR Planning Board,
 Ministry of Urban Development,
 Government of India.

For and on behalf of the Government of NCT of Delhi:
 Sd/-
 A.K. Chaturvedi
 (Special Commissioner)
 Transport Department,
 Government of NCT-Delhi.

For and on behalf of the Government of Uttar Pradesh:
 Sd/-
 Meekhar Dey
 (Special Secretary) (Transport),
 Transport Department,
 Government of Uttar Pradesh

Witnesses:
 Sd/-
 Surendra Kumar
 (Deputy Secretary) (U.I.)
 Ministry of Urban Development,
 Government of India.

- Unrestricted movement of interstate traffic is the movement of vehicles registered in the NCR districts without stopping at borders/borders
- Seamless movement of interstate traffic is the movement of passenger vehicles from one State to another State without changing the mode of travel or quick and efficient transfer among modes in performance of the journey.
- Directions/Orders given by the Hon'ble supreme/High Court related to movements of the traffic in the NCR on various occasions shall be enforced in NCR irrespective of their mention as applicable to the State concerned in the Agreement.
- Auto-rickshaws means three seater auto-rickshaws operating on CNG fuel.
- Single point taxation - only passenger tax to be paid to the concerned State
- Double point taxation - road tax and the passenger tax both to be paid to the concerned State.

ANNEXURE - I

Para 2.1 of Regional Plan - 2021 for NCR

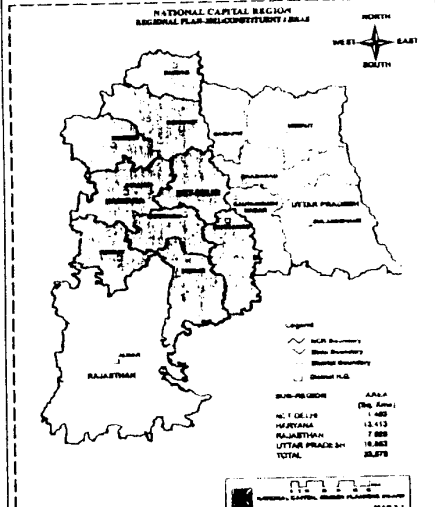
CONSTITUENT AREAS OF NCR

The Constituent Areas of the National Capital Region are as under:

- National Capital Territory of Delhi (1,483 sq. kms.) This accounts for 4.41% of the total area of NCR.
- Haryana Sub-region comprising of Fardabad, Gurgaon, Rohtak, Sonapat, Rewari, Jhajar, Meerut and Panipat districts. This accounts for 30.33% (13,413 sq. kms.) of the area of the State and 39.95% of the area of NCR.
- Rajasthan Sub-region comprising of Alwar district. The area is 2.29% (7,829 sq. kms.) of the total area of the State and 23.32% of the area of NCR.
- Uttar Pradesh Sub-region comprising of five districts namely, Meerut, Ghazabad, Gautam Budha Nagar, Bulandshahr and Bagpat. This accounts for 4.50% (10,853 sq. kms.) of the area of the State and 32.32% of the area of NCR.

Thus, the total area of NCR is 33,578 sq. kms. as indicated in the Map 2.1 National Capital Region Regional Plan-2021: Constituent Areas

ANNEXURE - II



ANNEXURE - III

Numbers of auto-rickshaws for inter state movement in NCR

States	From	To	No. of auto-rickshaws
Delhi-Uttar Pradesh	Delhi	Uttar Pradesh	4000
	Uttar Pradesh	Delhi	4000
Delhi-Haryana	Delhi	Haryana	4000
	Haryana	Delhi	4000
Uttar Pradesh-Haryana	Uttar Pradesh	Haryana	1000
	Haryana	Uttar Pradesh	1000
Rajasthan-Haryana	Rajasthan	Haryana	500
	Haryana	Rajasthan	500

Hearing on 28th August, 2009

**Motor Licensing Officer (Tpt)
Auto Rickshaw & Taxi Unit
Transport Department
Burari, Delhi-84**

No.F.MLO(ARU)/Tpt/2009/
To

682-85

Dated: 27/8/09

Shri Wasin Quadri, Advocate,
314 CK Daftri Chamber Block,
New Lawyer's Chamber,
Supreme Court, New Delhi

Subject: IA No.316 in W.P. © No.13029 of 1985 in the matter of M.C. Mehta
V/s Union of India & Ors. fixed for hearing on 28.8.2009

Sir,

In continuation to this office letter of even number dated 12.8.2009, I am to inform you that there is no ban on the registration of light goods three wheelers (CNG) and as per record the following number of above mentioned category of three wheelers were registered in Delhi:

Year	Total no. of light goods three wheelers(CNG) registered
2005	3444
2006	4220
2007	9661
2008	8531
2009	4084

As per annexure F enclosed with the above mentioned writ petition the total population of Delhi – 12905780 persons as per Census of India 2001 and the said population also increased after 2001. The Hon'ble Supreme Court of India vide its order dated 16.12.1997 in the above mentioned writ directed not to issue any fresh permit of TSR and thereafter, the permission of 5000 permits was granted in the year 2002.

There is an acute shortage between the demand and supply of the autorickshaws and this shortage is one of the cause of over-charging and refusal by the auto operators and drivers.

Keeping in view the above facts and shortage of autorickshaws in Delhi with the increasing population of Delhi after 16.12.1997 and geographical size of Delhi and NCR, we may request the Hon'ble Supreme Court of India to kindly allow the Delhi Government to issue fresh permits of autorickshaws and the market situation will decide the optimum level of permits of TSRs in Delhi and NCR.

Yours faithfully

(Ashok Gupta)

Dy. Commissioner, AR & TU

Copy to-

1. Jt. Commr. Tpt/ Secretary, STA
2. Sr. D.C. Ops./PCD
3. PCO, HQ with the direction that in case he has any material to support the above said writ petition the same may be provided to the Government Counsel at the earliest as the case is fixed for 28.8.2009.

Speed post overleaf

IN THE SUPREME COURT OF INDIA, NEW DELHI

ORIGINAL CIVIL JURISDICTION

WRIT/SPECIAL LEAVE PETITION/APPEAL No.(s) ^(CIVIL) 13029 of 1985

BETWEEN

M. C. MEHTA

Petitioners (s)/Appellant (s).

UNION OF INDIA & ORS.

Respondent (s).

VAKALATNAMA

I/We Pragati Sheel Auto Rickshaw Drivers Union the Petitioner(s)/Appellant(s)/Respondent(s) in the above Petition/Appeal do hereby appoint and retain MR. SHAILENDRA SWARUP Advocate of Supreme Court to act and appear for me/us in the above Petition(s) / Appeal and on my/our behalf to conduct and prosecute the same and all proceedings that may be taken in respect of any application in connection with the same or any decree or order passed therein, including proceedings in taxation and Application for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the above Petition/Appeal(s) and in Application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocates in pursuance of this Authority.

Date this the 11th day of April 2009

Accepted

Sh
SHAILENDRA SWARUP,
ADVOCATE OF SWARUP & ASSOCIATES
Advocates Supreme Court & High Court,
Vipps Centre, No.2, L.S.C, Masjid Moth,
Greater Kailash - II, New Delhi - 110 048.
PHONES: 29221435, 29225875, 29227534/35.
FAX: 91 (11) 29228625
91 (11) 29212904

**PRAGATISHEEL AUTO RICKSHAW
DRIVER UNION (Regd.)**
Regd. No. 2778, Affiliated by AITUC
H.O. C-219, Staff Quarter, Ashoka Hotel, New Delhi-110001

Sh
-1208 10/1/09

Petitioner(s) Appellant(s)

MEMO OF APPEARANCE

To

The Registrar,
Supreme Court of India,
New Delhi.

Sir,

Please enter my appearance for the above-named-petitioner(s)-plaintiff(s)-Defendant(s)-
Opposite Party-Respondent(s) Appellant(s)-in the above mentioned Petition Case-Appeal-Matter.

Yours faithfully,

Sh

SHAILENDRA SWARUP,
ADVOCATE OF SWARUP & ASSOCIATES

Date 13-4- 2009

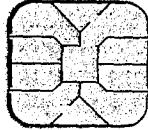
Transport Department, Govt. of NCT of Delhi
TSR Permit

Appl. No. 14823

Name: NASIM

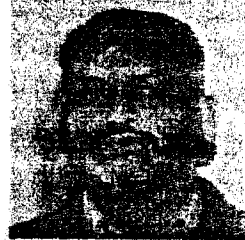
F/H Name: ABDUL HAMID

Permit No: TL1RF/5508



Address

R-228 RAMESH PARK
LAXMI NAGAR DELHI



Veh. Regn. No.: DL1RF 5508

Make: BAJAJ AUTO LTD

Veh. Class: T.S.R

Seat Cap.: 4 (3 + 1)

Model: 2001

Valid From: 08-03-2006 to 30-03-2011

(Holder's Sign.)

Sign. of Issuing Auth.



सत्यमेव जयते

GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI

FORM OF PERMIT OF CONTRACT CARRIAGE
(VALID WITHIN NCT OF DELHI)

10012961

my delhi



I Care