

EPCA Report No 100

Examination of the need for clarification/modification of order of the Hon'ble Supreme Court of May 10, 2016 on the matter of renewal of permits of AITP diesel taxis in NCR as directed by the Hon'ble Court on 15.7.2019

July 26, 2019

The Hon'ble Supreme Court on 15.7.2019 directed the Amicus to file a reply on the IAs No 150789, 150783, 150785 and 150786/2018 (applications for impleadment, clarification/ modification of orders and to argue in person on behalf of Baljinder Singh). EPCA has examined this matter in compliance with the directions of the Hon'ble Court and its observations and recommendations are given below.

1. Background

The Hon'ble Supreme Court directed on May 10, 2016 as follows:

“(2) Registration of new city taxies shall be permitted only if the vehicles operate on dual fuel or petrol or C.N.G. We make it clear that no vehicle shall be registered as a city taxi if it runs on diesel fuel. The competent authorities shall faithfully comply with this direction.

(3) All existing All India Tourist permit (AITP) Taxies operating in the National Capital Region shall be converted into AITP (o) category and will be allowed to operate until such time their existing permits expire by efflux of time. We make it clear that the registering authority shall not renew such permits once they have expired. We also direct that the permission hereby granted shall be subject to the AITP taxies complying with all Government directives concerning security, safety and fare issued from time to time.”

2. Directions sought for modification/clarification in IAs No 150789, 150783, 150785 and 150786/2018

The applicant has argued that the Transport Authorities (RTO Delhi) have interpreted the directions in para 3 of the May 10, 2016 directions to stop renewal of permits of all existing All India Tourist Permit taxis, including CNG and petrol taxis. As per the MVA 1988, the age of commercial taxis is 9 years (8+1),

but the transport authority (RTO Delhi) has stopped renewing the permits of CNG and petrol taxi after 5 years citing the directions of the Hon'ble Court.

3. Examination of issue by EPCA

The Hon'ble Supreme Court has been concerned with emissions from diesel vehicles, including taxis. It is in this context, it has issued a series of directions, including imposing of environment protection charge of 1 per cent on diesel cars/SUVs with engine capacity of 2000 cc and above. It had also taken up the matter of diesel taxis operating in NCR under All India Tourist Permit (AITP).

As per this permit, vehicles are allowed to ply as follows:

Chapter IV; Section 85 (3) of CMVR 1989: The tourist vehicles shall either commence its journey, or end its journey, circular or otherwise, in the home State, subject to the condition that the vehicles shall not remain outside the home State for a period of more than three months. The permit holder shall see that every return of the tourist vehicle to the home State is reported to the authority which issued the permit.

[PROVIDED that where such tourist vehicle is registered in the National Capital Region, it shall not operate circular tours of places lying exclusively in the National Capital Region unless it conforms to the mass emission standards {Bharat stage-IV) specified in sub-rule (15) of rule 115]

Therefore, taxis conforming to Bharat Stage IV but fueled by diesel were operating in Delhi using AITP license.

The objective of the May 10, 2016 direction of the Hon'ble Court were as follows:

- a. Direct that only petrol/CNG fueled vehicles would be henceforth registered as city taxis.**
- b. Direct that all the current (as existing in 2016) diesel AITP taxis would be phased out by stopping the renewal of the permits once they have expired.**
- c. Direct that AITP diesel taxis would be registered AITP (N) after taking an undertaking that these taxis would not be used for point to point service within NCR. The permits of diesel AITP (N) would not authorize the taxis to pick up and drop passengers from point to point within NCR.**

The Transport Department of Delhi has informed EPCA that as the order of the Hon'ble Supreme Court specifically mentions "all existing AITP taxis" and therefore, permits were not renewed, irrespective of the fuel. The order has been implemented strictly in accordance with "words" and "sentence" and without clarification the department cannot interpret the order in favour of CNG taxi operators.

Based on the above, EPCA would like to submit that the intention of the May 10, 2016 directions of the Hon'ble Supreme Court was to restrain the diesel taxis and not CNG/petrol taxis, even if these are operating under AITP.

As per the CMVR the age of tourist vehicles is 9 years:

CMVR 82 (1) (a): A tourist permit shall be deemed to be invalid from the date on which the motor vehicle covered by the permit completes 9 years in the case of a motor cab and 8 years where the motor vehicle is other than a motor cab, unless the motor vehicle is replaced.

4. Recommendations for the consideration of the Hon'ble Court

As per the above examination, it is clear that the intent of the direction of the Hon'ble Supreme Court was to restrain the usage of diesel taxis operating under AITP in Delhi and NCR districts. The Hon'ble Supreme Court in para 2 has made it clear that city taxis should be fueled using CNG/petrol or dual fuel (CNG and petrol). Diesel taxis would not be allowed to run or be registered.

It is submitted that permits of CNG/petrol or dual fuel (CNG and Petrol) AITP taxis should be renewed till the end of their permitted age (8+1 years).

The Hon'ble Court may consider issuing a modification/clarification so as to effect this change.