

EPCA report number 12 (December 2004)

Special report on the non-destined transit trucks using Delhi: A report in addition to the bypass report submitted to the Hon'ble court in August 2004

(In the matter of W.P.(C) No.13029 of 1985; M.C. Mehta v/s UOI & others)

**Environment Pollution (Prevention & Control) Authority
for the National Capital Region**

1. Bypass of goods vehicles

Transit vehicles, which use Delhi roads but have no business in Delhi, pose a serious management challenge. Transit vehicles pose a serious problem, as there is a wide divergence between the emission regulations enforced in Delhi and outside the city. While Delhi adheres to Euro II standards, cities neighbouring Delhi mostly adhere to Euro I standards. Thus the transit vehicle, which uses Delhi, contributes considerably to the pollution load in the city. These transit trucks thus negate whatever gains Delhi is making as a result of cleaner fuels.

The issue requires urgent attention, given the fact that daily around 6,500 vehicles enter Delhi from various entry points and on an average only around 50 trucks are turned back. There are around 86 entry points to Delhi, which calls for a more rigorous enforcement to ensure that non-destined vehicles are turned back. Municipal Corporation of Delhi (MCD) and the Delhi traffic police are the agencies, which are manning the entry points. Though many non-destined trucks are turned back from the entry points, lot more needs to be done before the agencies are in a position to implement Hon'ble court's directions.

2. Orders of the Hon'ble Supreme Court

Given the menace of non-destined trucks, the Hon'ble court has intervened on many occasions, and has issued various orders over the years preventing truck traffic from entering Delhi that are not destined for loading or offloading in the city. The Hon'ble court has passed following orders:

Order dated December 6, 2001

- "It appears that vehicles which transit through Delhi do not adhere to the vehicular standards which are applicable in Delhi, namely they are not Euro II compliant nor are they using low sulphur and low benzene fuel. There is no reason why very large number of goods vehicles should transit through Delhi thereby adding to the pollution level and traffic on road.

It is therefore, proposed that with effect from 15 January 2002 no heavy, medium or light goods vehicles will ply on inter-state routes by passing through Delhi or New Delhi. It is only those goods vehicles, which on payment of octroi/toll tax carry goods to or from Delhi, which would be allowed to ply.

The Commissioner of Police directed to formulate a scheme in this behalf and give due publicity to all concerned and implement the same."

Order dated July 15, 2002

- "We are informed by the learned counsel for the NCT of Delhi that despite the order of this Court in 2001 no heavy vehicles in transit have been stopped at the border and all of them are allowed to pass through Delhi. Learned counsel states that a Scheme is prepared which of course, is not disclosed to the Court. How any Scheme prepared by the Department will supersede an order of this Court is difficult to comprehend. If the said Scheme permits any trucks in transit to Delhi, Police Commissioner to show cause why the compliance of this Court's order dated 6th December, 2001 has not been effected and the NCT of Delhi and the Police

Commissioner are directed to show cause why the plying of all heavy vehicles through Delhi which do not comply with Category-II norms should not be stopped especially when no effective steps have been taken by the respondents to comply with the orders of this Court of December, 2001.

We further make it very clear that there can be no corridor or bye pass joining different national highways through Delhi. The corridors if and when proposed and constructed will have to by pass Delhi. To come up on 29 July 2002.”

Order dated December 16, 2002

- “The matter of bypassing of trucks was discussed in this hearing. Delhi traffic police was directed to file a status report on this matter.”

3. EPCA's previous report on this matter and their recommendations

EPCA would like to point out that in its report of January 2003, it had looked into all the aspects of the implementation of the Hon'ble court's order of bypassing trucks to control vehicular air pollution. EPCA had investigated the status of the implementation of the court order on bypassing and the impediments to its implementation and the implementation of the compliance with Euro II standards for heavy-duty vehicles that are entering Delhi.

EPCA had pointed out in the report that no single authority is taking responsibility for the effective implementation of the order and highlighted the ways and means of bypassing the court's order. It pointed out that the multiplicity of authority is compounding the problem of implementation. While the Supreme Court has designated traffic police for the implementation, the department alleges that adequate legal provisions have not been made to make the traffic police responsible.

EPCA report highlighted that the easiest way of bypassing the court order is to purchase a delivery receipt slip from any company located in Delhi. The report further pointed out how there is clear lack of estimates on the number of trucks passing through Delhi, and how the numbers are falling consistently.

The key recommendations of the EPCA report of January 2003 were:

- We need to speed up the construction and alignment of the bypass and work out a firm schedule for completion: The National Capital Region Planning Board should be directed to coordinate with the chief secretaries of the neighbouring states of Haryana, Rajasthan, Uttar Pradesh and Punjab to expedite this matter and a firm schedule for completion should be presented to the court
- Reinforce the directions to the traffic police to ensure that there is no entry of trucks into the city, except for genuine business in the city
- Direct the Municipal Corporation of Delhi (MCD), through its Municipal Commissioner, to set up a system for verification and management of the truck entry into the city. Currently, MCD charges a toll tax from the trucks, based simply on the number of wheels of the truck. However, this toll tax should only be for trucks entering the city for loading and unloading. The MCD has to be also responsible for ensuring that the truck has genuine business in the city and details are maintained

4. Current status

EPCA, concerned with the non-implementation of the Court's order, held a meeting with both the Delhi traffic police and the MCD on October 30, 2004; to review the current status and what can be done to adhere to the court's order.

The issue of non-implementation of the Hon'ble court's order was discussed with the officials of both MCD and Delhi traffic police. Various reasons were cited for the non-implementation of the court's order- lack of enough resources, different agencies involved, no proper brief and non-cooperation from both the agencies involved in manning the borders. MCD had the viewpoint that checking the relevant papers to ascertain whether a truck is destined to Delhi or not, is the job of Delhi traffic police, and not of the officials collecting toll tax. Traffic police in turn cited its limited manpower in manning all the trucks entering Delhi. All in all EPCA felt that none of the agencies was taking onus to implement the court's order.

4.1 A joint inspection report

Given the imbroglio and the non-implementation of the Hon'ble Supreme Court's order EPCA asked MCD to conduct a joint survey of various borders along with Delhi traffic police officials to improve road conditions so that the non-destined trucks could be returned and do not create traffic related problems. The joint inspection report was submitted to the EPCA on November 20, 2004 the second meeting, which EPCA held with both the agencies. The brief findings of the joint survey was:

- According to MCD there are around 86 entry points into the city from the neighbouring states from where the interstate traffic enter/cross Delhi
- According to the primary survey, there are around 24 border check posts from where there is entry of commercial goods vehicles. Detailed survey revealed that there are 17 such border check posts from where goods vehicles of all categories enter into Delhi bringing all types of merchandise. These goods vehicles have components of non-destined vehicles as well and hence these entry points require more concentrated efforts
- These 17 border points are the main entry points from where majority of non-destined goods vehicles enter and pass Delhi
- Out of these 17 border entry points, MCD is modernising the collection of toll tax through its contractor M/s Banas Sands TTC JV in 10 border points

The joint survey has pointed out the status on all the 23 borders from where vehicles enter Delhi. Thus parameters like whether these border points have a U turn facility or not, whether feasible for having a U turn facility, possibility of segregating vehicles, and other parameters were examined. It is expected that the construction of the toll plazas by the contractors would be completed by March 31, 2005. These modernise toll plazas would help in reducing the congestion around the entry points and facilitate better segregation of vehicles, which would in turn enable better manning of the entry points.

4.2 Other alternative routes identified by the traffic police

Following the Hon'ble court's order of 2001, Delhi traffic police had conducted an elaborate physical survey of the alternative routes available for diverting the non-destined transport vehicles so that they do not enter the city. Officials of the Haryana and Uttar Pradesh were also part of the survey. But it seems that all the four alternative routes are having problems,

as a result of which it is difficult to use these alternative routes exhaustively. The routes with the related problems are:

Route I: Ghaziabad to Punjab via Sonapat (Haryana) and vice versa

The route consists of Mohan Nagar- Hindon Air Force station- Bhopra- Loni- Bagpat- Guari Pur Check post- Sonapat- Punjab

The roads suggested for this route are mostly single lane and not capable of bearing the density of heavy goods vehicles. Some sections of this route are also not road worthy.

Route II: Punjab, Sonapat (Haryana) up to Gurgaon (Haryana)- Rajasthan

The route consists of Murthal- Kharkoda Sampla bypass on Rohtak Road- Jhajjar, Farookh Nagar- Jaipur Highway (NH-8) at Bilaspur- Gurgaon

Some section of this route is also not road worthy and needs immediate repair. This road also cannot take the load of commercial goods vehicles until proper repairing. Moreover this route will have to cover more distance.

Route III: Gurgaon to Faridabad- Uttar Pradesh

The route consists of Rajeev Gandhi Chowk (Gurgaon)- Badshahpur- Sohna- Palwal- Faridabad- Rahimpur Yamuna Bridge- Khurja & Aligarh (U P)

There are several villages on this route and in addition, too many speed breakers would make it difficult for heavy goods vehicles to ply. The road is also single lane and thus would require lot of reworking. Like the earlier route, this route will be longer by 25-30 kms.

Route IV: Faridabad to Noida- Ghaziabad

The route consists of Faridabad- Palwal- Hamirpur- Jebar- Kakor- Simandrabad- Dadri- Noida- Lal Quan- Ghaziabad

There is already heavy traffic on some section of this route. So also this route is longer by around 150 kms.

EPCA however feels that these four alternative routes should be repaired at the earliest and made road worthy as a result of which it could bear the conventional traffic, till the expressways and bypass are functional.

5. EPCA's observation

EPCA would like to point out that in the report, *Avoiding pollution: Building a bypass and expressways for transit traffic for Delhi*, submitted to the Hon'ble court in August 2004, has already made its stand clear on the transit vehicles which are not destined for Delhi. The Hon'ble Supreme Court is considering these recommendations and it is hoped that the matter will be resolved as soon as possible.

In this context, EPCA would like to reiterate its earlier recommendation that the only effective and long term measure to deal with this issue is to speed up the construction

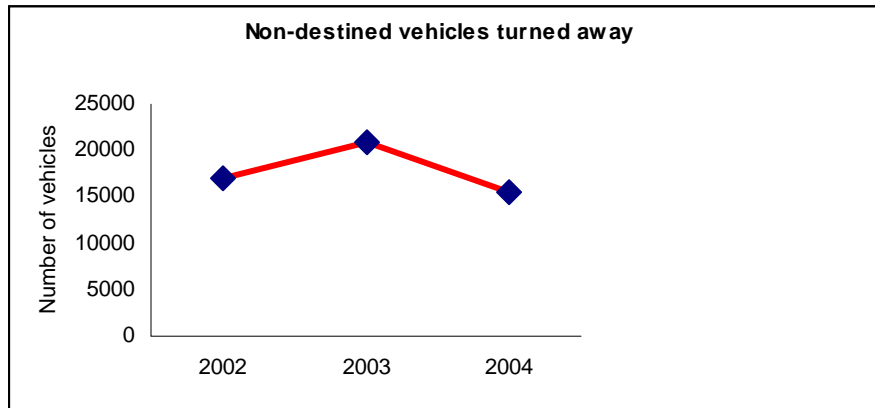
and alignment of the expressway and work out a firm schedule for its completion. The Hon'ble Court's current intervention in the matter and its desire to expedite this matter is very important and welcomed.

In addition, EPCA would like to suggest that the following measures, if implemented, could make a difference in the numbers of non-Delhi bound vehicles that enter the city.

5.1 Effective enforcement by both the agencies

EPCA would like to point out that the enforcement by concerned agencies is not very effective. Though the concerned agencies have been able to turn back lot of transit trucks from entering Delhi, lot more can be achieved if the enforcement can be made more rigorous. For instance EPCA would like to point out that the non-destined trucks turned back from different entry points this year would be much less than the last year (See Graph: Less and less number of vehicles are turned back).

Less and less number of vehicles are turned back



*Note: For the year 2002 data is from July 27 onwards and for the year 2004 data is up to November 15

Source: Anon 2004, Report on action regarding non-destined goods traffic in the NCT Delhi, Submission made to the EPCA, Delhi traffic police, November

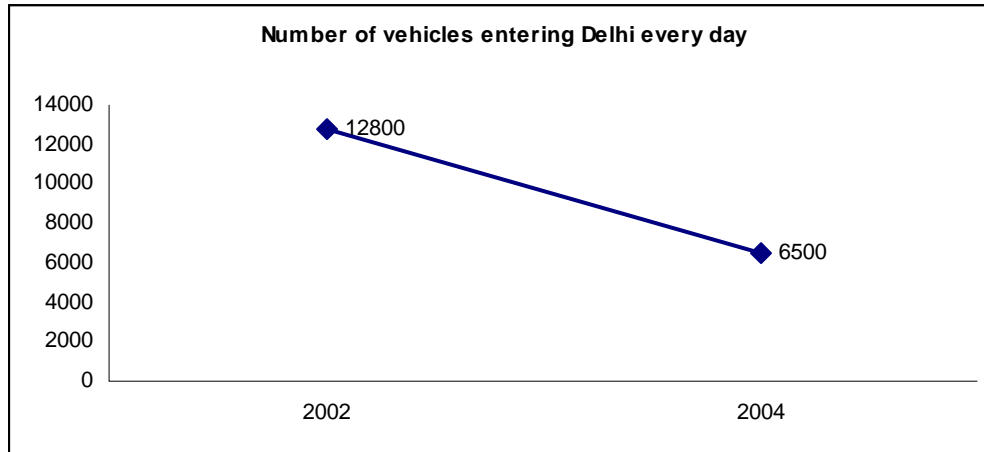
The data as shared by the Delhi traffic police reveals that every day on an average of last three years around 50 trucks are turned back from different entry points. Interestingly however every day around 6,500 trucks enter Delhi from various entry points. The actual number of non-destined vehicles turned back thus looks very insignificant. Just making the enforcement more rigorous can have lot of impact on avoiding non-destined trucks. EPCA feels that more non-destined trucks can be turned back, given the fact that huge numbers of vehicles enter the city.

GT Road Shahdara and the Mohan Nagar are some of the few key hotspots. Majority of the vehicles using these routes are non-destined. EPCA feels that keeping a very close watch on these hotspots would make a big difference in the overall control of the non-destined trucks.

EPCA would also like to point out that how the estimates of the number of trucks passing through Delhi has come down dramatically ever since the Hon'ble court has started taking interest in the matter (See Graph: How accurate? - falling numbers of vehicles entering Delhi everyday). According to earlier estimates available from the traffic police nearly 40,000 to 50,000 trucks passed through Delhi. Then again it was estimated by the traffic police that on

an average about 10,000 trucks enter the city daily. But according to the latest estimates available from MCD official, present at the EPCA meeting, only 6,500 trucks enter Delhi every day.

How accurate? - falling numbers of vehicles entering Delhi everyday-



Source: For the year 2002, Submission to EPCA by Delhi traffic police, January 4, 2003 and year 2004, MCD official K S Sharma, present at the EPCA meeting

5.2 Improve the functioning of the toll tax system to improve monitoring and enforcement

EPCA would like to point out all the agencies manning the entry points have a major role to play in avoiding the non-destined traffic to the city. The officials collecting the toll tax are thus one of the most crucial elements in avoiding non-destined traffic. EPCA would like to point out that the officials involved in collecting toll tax are not interested in checking where the goods vehicles are headed. They also do not verify the consignment. The reason cited by the tax officials is that verifying the necessary papers doesn't come under their purview. It is a job of the traffic police to check the necessary documents to verify whether goods vehicles are destined for Delhi.

EPCA takes a firm note of the fact that the MCD contractor has declined for checking the documents for determining as to vehicle is destined to Delhi or not, even after requests from the Delhi traffic police. EPCA takes firm note of the non-cooperation by the MCD contractor. EPCA recommends that MCD should take up this issue at the earliest and take necessary actions, so that the contractor is liable to check necessary documents. EPCA feels that resolving such coordination issues can prove very effective in avoiding non-destined truck traffic to Delhi.

5.3 Improve infrastructure

Inadequate infrastructure only adds to the ineffective system of checking of all goods vehicles entering Delhi. The joint inspection report submitted by the MCD and so also the Delhi traffic police reveals inadequacy of infrastructure facilities. Most of the entry points in Delhi do not have the facilities to segregate vehicles, as a result of which checking of all the vehicles causes congestion at the entry points. Further there are inadequate provision for road signs, hoardings, and markings, which would facilitate the job of checking goods vehicles.

EPCA strongly feels that these small infrastructure issues should be resolved at the earliest. This would facilitate checking of goods vehicles entering Delhi. EPCA also recommends that wherever the joint inspection report has stated that U turn facilities are available, or where U turn facility are feasible, concerned agencies should undertake the necessary changes in a time bound manner. The concerned agencies should submit to EPCA an action taken report on all the entry points, which can be provided with better infrastructure facilities. The MCD submission to EPCA has opined that the U turn facilities will also be made wherever the land is available. This process should be expedited.

EPCA thus feels that even as the work commences on the construction of bypass and expressways, the interim period should be utilised to implement these few small measures, which will prove very effective in avoiding non-destined trucks.

6. EPCA's recommendations

It is very clear from the above assessment that the Hon'ble court's order is being violated with ingenuity. Though the MCD and Delhi traffic police are supposedly keeping checks on the entry points, it is clear that the enforcement is ineffective. The overall conclusions from the assessment of the situation are:

- Even after three years, the Hon'ble court's order has not been implemented. Though both the agencies, MCD and Delhi traffic police are manning the entry points to the city, EPCA feels the agencies still have a long way to go before they are in a position to implement the court's order.
- Lack of effective coordination among the agencies, inadequate infrastructure, and lax enforcement are the key reasons behind the non-implementation of the court's order.
- Numbers of non-destined trucks been turned back from the entry points seems insignificant in comparison to the number of trucks actually entering Delhi from various entry points. This years numbers, for instance, are expected to be far less than last year. Also the numbers of vehicles entering Delhi are extremely suspect, given the sheer inability of the governments to monitor and enforce the decisions.

Based on the above assessment, EPCA would recommend the following:

1. Direct the MCD and the Delhi traffic police to increase the vigilance on all the entry points, and ensure that no non-destined trucks enter Delhi. The inspection should accordingly be made more rigorous. MCD should carry out the necessary infrastructure changes at various entry points
2. Even as the work on bypass and expressways is under process, the immediate measures suggested by the EPCA should be implemented as soon as possible. This would help in keeping a check on non-destined trucks which enter Delhi
3. Direct the MCD to ensure that the toll plazas which will be built on 10 border points, should be constructed before March 31, 2005, failing which daily penalty should be levied on MCD. The toll plazas would be required to maintain full records of the destination of the truck and enforce the orders of the court