

**EPCA report no. 27 (July 2006)**

**Entry of heavy-duty goods trucks and functioning of the wholesale markets in  
Delhi: A Status Report**

In response to the Hon'ble court's order dated May 05, 2006

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

- 1. This report is in response to the Hon'ble Supreme Court's directions to EPCA on May 05, 2006 which has asked EPCA to look into the issues raised regarding loading and unloading of goods vehicles in the IA and special leave petition and give suggestions.**
  
- 2. The Hon'ble Court has also directed E.P.C.A. to give directions for loading and unloading of goods so that common man is not put to inconvenience.**
  
- 3. This report assesses the issues related to the entry of heavy goods vehicles, loading and unloading of goods, idle parking, multi level parking, dry ports, express highways, and shifting of markets.**
  
- 4. This report reviews the submissions made by the adhoc committee representing the concerned stake holders that was set up by EPCA on the above mentioned issues and other concerned agencies and suggests the way ahead.**

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

## 1. Introduction

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Delhi is a major wholesale trade centre for North India. It is estimated that 78 per cent of vegetables and fruits, 49 per cent of fuel, 44 per cent of iron and steel and 47 per cent of food grains traded in Delhi are destined for other states. Over and above this the five national highways also bring interstate goods vehicles into the territory. This situation aggravates the traffic congestion, particularly on the Ring Road, Outer Ring Road and other major roads of the city. The expansion of commercial and Industrial activities in Delhi Metropolitan Area, the goods movement within urban area and outside has grown considerably leading to environmental deterioration in the city.

The situation is particularly disquieting in the Walled city area. Around 20 per cent of the total wholesale trade enterprises of urban Delhi are located in the Walled city area, accounting for around 12 per cent of the employment. The average enterprise in the Walled city area has less employment but high turnover in comparison to units in other areas. The Walled city area consists of major trading areas like Chawri Bazar, Lal kuan, Ajmeri Gate, Bazar Sita Ram, Naya Bazar, Shardhanand Marg, Chandni Chowk and Sadar Bazar.

The current matter of the movement of trucks and loading and unloading of goods pertain to the case of Hem Nalini Mehra & others Vs Government of NCT of Delhi (WP (C) No 5239/2002). The issue pertaining to the loading and unloading of trucks can be traced to the original HC order of the May 28, 2004.

### **HC order dated May 28, 2004**

*“... No commercial vehicle having more than four wheels should be permitted to ply inside outer Ring Road at any time during day or night, implying thereby that transport companies may have their office inside outer Ring Road but no loading and unloading activity can be undertaken inside Outer Ring Road”*

The order had sought de-congestion and de-commercialisation at a massive scale because where wholesale trade takes place; it generates not only environmental hazards but also emits pollution as it brings in more commercial vehicles inside the already congested city.

The order of May 28, 2004 also directed the DDA and the Government of NCT of Delhi to prepare a comprehensive plan in terms of the orders of the HC within a period of four months. This was made necessary, as Delhi with its population of 20 million and a hub of trade and commerce in North India, must have adequate warehousing facilities for those goods. If big warehousing sites are provided, distributive activities would decongest, as such activity would automatically cease inside the residential areas in Delhi. This was the principal idea behind the court order of May 28, 2004. The HC is of the view that

entire wholesale distribution of goods and services has to be shifted outside the periphery of the outer ring road in Delhi.

However there was considerable laxity in the implementation of the HC order. In fact the DDA and the Delhi government haven't moved at all towards a comprehensive plan for decongestion through redistributing trade activities. In the meantime the affected parties made many interventions for relief in the order, but at various points the HC only reiterated its original order of May 28, 2004.

The matter was again taken note in the HC hearing of March 31, 2006, as the orders of not allowing the trucks inside Outer ring road were not followed.

### **HC order dated March 31, 2006**

*"We direct that no loading and unloading activities should be carried out on Qutab Road and New Qutab Road and roads which are adjacent to these roads which are already congested and where it is difficult even for a person to walk and in case of any medical emergency nobody even gets a vehicle"*

Even as the court in its March 31, 2006 order reiterated the earlier point, it asked the DCP (Traffic) of the area concerned to file an affidavit as to why these trucks movement are allowed after 9:00 pm. This pushed the Delhi traffic police to in turn push the Delhi government over a comprehensive policy.

In a parallel development a petition was filed by one of the affected parties in the Hon'ble Supreme Court against the HC order of March 31, 2006. Even as the matter was listed for hearing in the Hon'ble SC on May 5, 2006, the matter was also taken up in the Delhi HC on the same day. Thus on May 5, 2006 the matter was heard both in the Delhi HC and SC. Interestingly in its order of May 5, 2006 the HC relaxed its earlier order of March 31, 2006.

### **HC order dated May 5, 2006**

*"A direction is issued to the Commissioner of Police to relax the entry hours for this class of vehicles from 12:00 midnight till 4:00 am till the next date of hearing and on filling of undertakings by the petitioner..."*

Even as while the HC relaxed its order of May 28, 2004 and March 31, 2006, the Hon'ble SC in it's hearing on May 5, 2006 stayed both the orders.

### 3. EPCA's mandate

#### SC order dated May 5, 2006

*"A copy of the interlocutory application and special leave petition shall also be served on the E.P.C.A., which may look into the issues raised therein and give its suggestions. In the meanwhile, the direction of the High Court in the orders dated 31st March, 2006 and 28th April, 2006 restraining the entry of trucks for twenty four hours and sealing of godowns is stayed. In the meanwhile, E.P.C.A. may also give directions to be strictly adhered to for loading and unloading of goods so that common man is put to inconvenience."*

Given that the SC has stayed the HC order, the current situation remained a status quo. Trucks are entering after around 9:00 in the night to sometime 6:00 in the morning. There are no restrictions.

### 4. EPCA's observation

The SC has ordered that EPCA should look into the issues raised in this whole matter and give its suggestions. Thus EPCA looked towards a long-term time bound implementation schedule for shifting of the wholesale distribution of goods and services outside the periphery of outer ring road in Delhi, the movement of goods in the Delhi, where and which are the major wholesale markets, the total trading activity in the Delhi and the possible solutions to ease the congestion and pollution caused by the movement of these vehicles.

EPCA called its first meeting on June 3, 2006 to discuss the issues pertaining to the movement of trucks, time for the entry and exit of the trucks, the shifting of the markets among other things. All the major Associations represented the meeting namely, The Delhi Goods Transporters Association, The Delhi Interstate Truck Operators Associations, ICD Container Operators Association, Metal Merchants Association, Kirana Committee, Delhi, Mercantile wholesale traders Association, Delhi Grain Merchants Association, The Delhi Tyres Dealers Association, The Lawrence Road Industrial Area Association, Timber Market Association, Kirti Nagar, Chemical Traders Association, The All India Motor Transport Association, Allahabad, The Phatak Karor (Ajmeri Gate) Traders Association, and also the Delhi traffic police.

After extensive deliberations with the Associations, EPCA, to get common suggestions from the representatives of the traders and transporters in the Walled City, formed an 8-member ad hoc and temporary committee. EPCA asked the committee to submit in two weeks the common suggestions of the representatives, keeping in mind the problems of residents in the area. The ad hoc committee constituted of the following members from various Associations:

Serial No	Member	Association
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1	Satender Jain	Delhi Iron & Hardware Merchants Association
2	Prem Arora	Kirana Committee Delhi
3	Rajinder Kapoor	Delhi Goods Transport Association
4	Sandeep Jain	Delhi Transporters Association
5	T R Kapoor	Delhi Hindustan Mercantile Association
6	Deepak Sachdeva	Delhi Goods Transport Association
7	A S Sethi	Metal Merchants Association
8	Om Prakash Jain	Delhi Grain Merchants Association

#### **A. The report from the ad hoc committee**

The eight member committee submitted their report to EPCA in its meeting of June 24, 2006. The committee delved into key issues namely, the Entry of heavy goods vehicles, Loading and unloading of goods, Idle parking, Multi level parking, Dry ports, Express Highways, and shifting of markets.

The key recommendations of the committee were:

1. Entry of HGV should be permitted inside the Walled city area. The entry point for the HGV should be from 9.30 PM to 6.30 AM and 12.00 AM to 4.00 PM from the Outer Ring road, so that the trucks reach their destination points by 10:30 PM and move out of the Walled City area by the allotted time.
2. The loading and unloading of vehicles should be allowed only in a single lane to avoid inconvenience to common man. No double line loading and unloading should be allowed at any time
3. A complete ban on the Idle parking of trucks/tempo and all other commercial vehicles inside the Walled city area
4. To streamline the traffic and decongest the Walled city, the parking lots on the road should be replaced with the Multi-Level parking
5. The government should provide dry ports on all corners of Delhi to avoid congestion in the Walled City area
6. Government should construct Express Highways for heavy vehicles, to move from one State to other without entering Delhi. This will decongest the city and help in solving the traffic problems to a great extent
7. According to the Committee shifting of the markets is not the solution for decongestion in the Walled city. The committee was of the viewpoint that the existing Godowns of the traders/transporters outside the periphery of Delhi

mainly at the GT Karnal Road, Lal Dora Areas and other Green belts should be regularized and licensed. Similarly the space for Godowns should be provided at various common places alongside the periphery of Outer Ring road. The committee also suggested that the Godowns should be properly designed and equipped with all the ultra modern facilities, International standards

## B. The current situation

According to Draft Master Plan for Delhi 2021, the total Goods traffic volume, major share is handled by the points at NH-8, NH-1, NH-24 and Kalindi Kunj. As far as the movements of goods through Railways are concerned, it follows a systematic pattern:

Types of Goods	Terminated at
Iron and Steel	Tuglaqabad (Bahadurgarh) thereafter by road to Naraina
Food Grains	Delhi Cant, Narela, Ghevra
Coal	Badarpur Border, Rajghat, IP Depot
Fruits and Vegetables	Naya Azadpur
Fuel	Shakur Basti
Cement	Shakur Basti, Naya Azadpur, Delhi Safdarjung

The government is also working towards Integrated Freight Complex, for integration of goods movement by road and rail. These would consist of wholesale market, warehousing, road (trucks) and rail transport terminals so as to curtail the movement of heavy vehicles within the complex. The freight complexes are to be located in the places where they intercept the maximum possible regional goods traffic entering Delhi.

Currently however there is no absolute free movement of trucks in city. Delhi Traffic Police pointed out the difficulty in the movements of vehicles and people in the worst affected areas in the walled city and heavy market areas. It explained that there are currently different types of restrictions for the movement of goods vehicles in Delhi:

1. Complete 24 hours ban on certain areas, like NDMC area
2. Restrictions on movement of heavy goods vehicles from 7:00 AM to 8:00 AM in the city
3. Peak hour restrictions from around 8:00 AM to 11:00 AM in the morning and 5:00 PM to around 9:30 PM in the night for other goods vehicles
4. Restrictions on certain roads depending on particular situations

The problem of movement of goods vehicles is however acute in the Walled city area. The wholesale trading activities have increased manifold in this part of the city. According to the Delhi traffic police with the conversion of old houses into unauthorized

centres, trading activities have gone beyond the holding capacity of the area. Currently, there are restrictions on the movement of Light goods vehicles during the peak hours on all the roads in the Walled city, these restrictions are enforced from 8:00 AM to 11:00 AM and from 5:00 PM to 9:00 PM. Over and above there are 24 hours restrictions on the movement of HGVs on Subhash Marg, Jama Masjid, Chawri Bazar, Chandni Chowk, H C Sen Marg, Sadar Bazar Road. There are also restrictions from 7:30 AM to 9:30 AM on certain other roads, and also peak hour restrictions on other roads.

Delhi traffic police was also of the viewpoint that for decongesting the Walled city area for the convenience and safety of the residents, traders and other road users, shifting of the wholesale markets is the solution. Till the markets are shifted, the storage of the traded goods should be away from the Walled city. Similarly godowns of the traders and the transporters should not be located within the Walled city, but at the periphery of the city.

## **5. EPCA's conclusions and recommendations**

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EPCA finds that it is difficult to recommend big changes within an immediate time frame, given the non-ideal conditions prevailing on the ground and conflicting claims. In view of the existing ground realities therefore EPCA suggests the following:

1. The ad hoc temporary committee that was set up by the EPCA by nomination to evolve a consensus among the concerned stakeholders is directed to provide the list of the main roads where heavy vehicles are permitted during night. This list will have to be cleared by the Delhi Police.
2. Entry of the heavy vehicles is to be permitted only from 11 pm to 7 am and only on selected roads. Transporters should submit a written undertaking that all trucks shall leave the area during restricted hours.
3. The committee should evolve consensus amongst transporters to enforce road discipline during night time.
4. EPCA agrees that the proposal to shift markets is the medium to long-term solution to the problem. But given the past experience with relocation of markets, especially the delays and adhocism in setting up of facilities and poor implementation, EPCA is reluctant to give a sweeping recommendation on this issue. EPCA therefore recommends that the concerned agencies – namely MCD and DDA should confer with the traders and other concerned groups to evolve a relocation plan, with clear milestones and schedules. It is important that this plan is evolved with the participation of the affected parties and implemented.