

Report

Status of implementation of the Hon'ble Supreme Court order for bypassing trucks to the city of Delhi to control vehicular air pollution

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

January 2003

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

The Hon'ble Supreme Court orders for bypassing trucks

This is a report on the status of the implementation of the Supreme Court orders on preventing truck traffic from entering Delhi that are not destined for loading or offloading in the city. The Hon'ble Court has passed three orders so far on this matter. These are the following:

1. The order of 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 15th 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."

2. The order of 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 29th July, 2002.

Court hearing on 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.

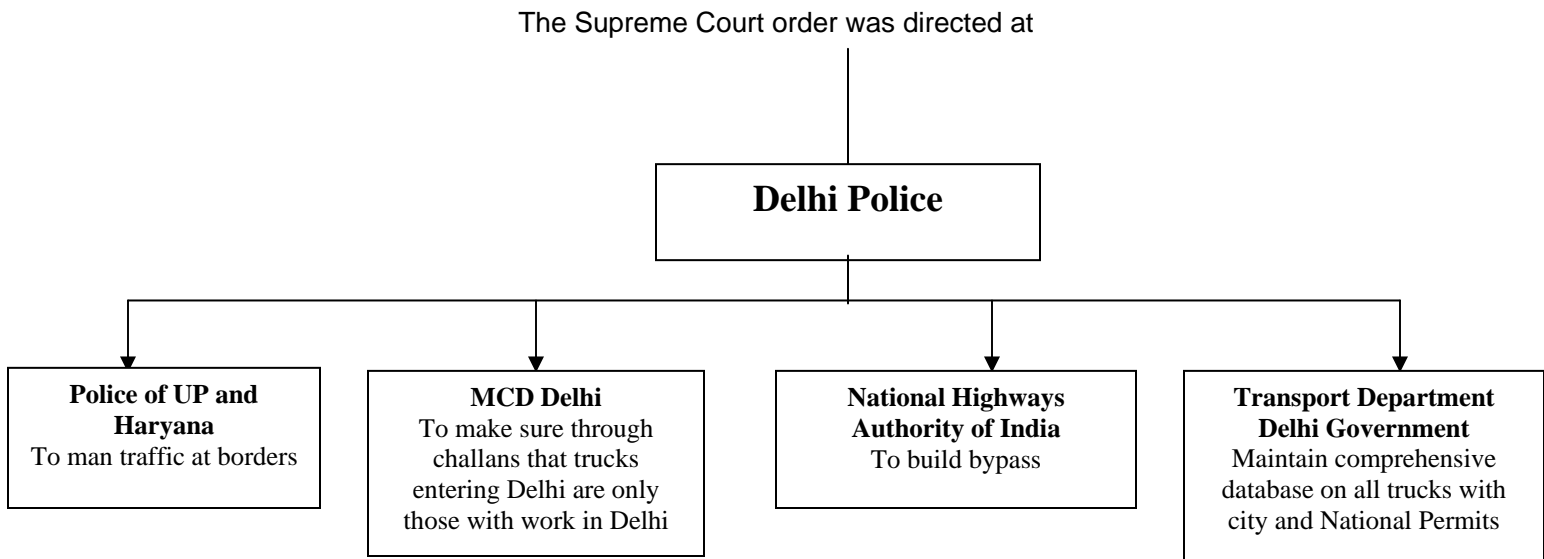
Environment pollution (Prevention and Control) Authority (EPCA) has monitored the status of implementation of these orders through surprise inspections at the entry points for trucks into the city and discussions with the traffic police that were made responsible for the implementation of the orders. EPCA members also visited Badarpur and Mehrauli border at night for on site observations.

EPCA has investigated the following:

1. Status of implementation of the Court order on bypassing the truck traffic and the impediments to its implementation

2. Implementation of compliance with Euro II standards for heavy-duty vehicles that are in Delhi or enter Delhi.

The following organogram shows the multiplicity of authorities, which are involved in the implementation of the order.



Issues raised bypassing trucks by police

In its affidavit of February 4, 2002, to the Supreme Court the traffic police had listed the following alternate routes that have been identified so far for by the department for bypassing trucks:

- Route 1: Ghaziabad (UP) to Punjab via Sonapat (Haryana) and vice versa
- Route 2: Punjab, Sonapat (Haryana) – Gurgaon (Haryana) and beyond
- Route 3: Gurgaon to Faridabad
- Route 4: Faridabad to Noida – Ghaziabad and beyond

They had further listed the following reasons for not being able to bypass trucks immediately after the Supreme Court order of December 6, 2001.

1. The alternate routes cannot bear the full load of the truck traffic as they are badly developed and single lane roads.
2. Need widening and repair work in sections, which fall under the purview of Haryana and Uttar Pradesh government.
3. Very heavy congestion thus difficulty in diverting traffic.
4. Could lead to more accidents due to bad maintenance.
5. No provision of 'U' turn on some roads and thus traffic cannot be asked to turn back.

The Supreme Court on July 29, 2002 had given gestation time to the traffic police during which they could allow large goods vehicles entry into Delhi after issuing a warning if they are not able to take 'U' turns at the borders due to lack of road worthiness. The Court had also asked the police to file in

court what directions they would want to be given to the adjoining states for speedy implementation of their orders. No other affidavit was available to EPCA at the time of compilation of this report.

Discussions with the traffic police made it clear that no single agency is taking the initiative to coordinate with the concerned authorities in the neighbouring states to expedite the court order on building of new bypass or improving or repairing the existing ones.

Observations of EPCA

1. No single authority is taking responsibility for the effective implementation of the order.

Two agencies are responsible for implementation of the Supreme Court orders at the various entry points.

1. Delhi Police
2. Toll booth Staff (Municipal Corporation of Delhi)

EPCA's investigation showed that multiplicity of authority in this area 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. According to the MCD staff at toll centre in Badarpur toll point, it is the duty of police to check the consignment slip of the goods vehicle which shows whether it has any work in Delhi or not, it is not the duty of the toll staff who only collect tolls and taxes from any vehicle that enters Delhi. Traffic police claims since the MCD is responsible for checking all the requisite papers should also be asked to get involved in the process of verification.

2. Ways and means of bypassing the Supreme Court order

EPCA conducted surprise inspection at Badarpur border on ---- and talked to the goods vehicles transporters, toll collection officers and police officers at entry point to check out how the Supreme Court orders were being implemented. It was clear that the order was being flouted openly.

Most transporters and truck drivers are aware of court orders that those vehicles, which do not have any work in Delhi will not ply in the city.

- The easiest way of bypassing the court order is to purchase a delivery receipt slip from any company located in Delhi. This, when shown to the police at the entry points is enough to prove that the goods vehicle has work inside the city.
- As observed in the borders it is possible to come in by paying a bribe even if the papers are not in order.

Those goods vehicles which visit Delhi frequently for loading and offloading of goods, obtain a pass/sticker from the toll tax booth. These passes can be obtained on a daily/monthly or quarterly basis. **But there is a loophole in this system.** A lot of vehicles are taking passes/stickers on a monthly or quarterly basis but once they have got the sticker pasted on the windscreen, they are not checked whether they have any work each time they are entering into the city. For example, a truck may have got a sticker for a month but it may have work in Delhi for only 15 days but the rest of the days it might just be using Delhi as a bypass to go to some other state.

3. There is no clear estimates on the number of trucks passing through Delhi

Investigation into the problem shows that there is no comprehensive record of how many trucks are actually plying in the city or have been given permits by the Delhi government to move in and out of the city. Moreover, there is no clear estimate of trucks that pass through Delhi without any work in Delhi.

The estimates for the number of trucks passing through Delhi has come down dramatically ever since the Supreme Court has started taking interest in the matter. According to earlier estimates available from the traffic police nearly 40,000 to 50,000 trucks passed through Delhi. But latest available estimates from the traffic police seem like a gross underestimate. Their estimates based on the toll collection from the goods vehicles for a limited period show that on an average about 10,000 trucks enter the city daily.

Table 1: Estimate of number of goods vehicles entering Delhi

Date	Number of goods vehicles entering Delhi from various borders for which toll tax labels have been issued by the MCD
20.7.2002 – 26.7.2002	1,09,964
27.7.2002-2.8.2002	91,166
3.8.2002- 9.8.2002	83,781
10.8.2002 – 16.8.2002	74,708

Source: Submission to EPCA by Delhi traffic police, January 4, 2003

Table 2: Number of trucks turned away at various borders from July 27, 2002 to November 30, 2002.

Date	Non destined goods vehicles turned away
27.7.2002 – 31.7.2002	7104
1.8.2002 -- 31.8.2002	3637
1.9.2002 -- 30.10.2002	2495
1.10.2002 – 31.11.2002	1939
1.11.2002 – 30-11-2002	1165
Total	16340

Source: Submission to EPCA by Delhi traffic police, January 4, 2003

It is also not very clear how many vehicles registered in Delhi operate on interstate routes. As per regulations, only vehicles that are registered in Delhi can obtain national or city permits from the State Transport Authority in Delhi. As of December 24, 2002 a total of 31,947 live permits are on record of the state transport authority. Out of these 9045 are for heavy-duty trucks, and only 5418 of these operate on national permits.

Clearly, there is need for thorough verification and independent survey of the volume of the through-traffic in Delhi.

4. Status of implementation of the order on Euro II compliance for heavy duty vehicles

It further emerged that most transporters prefer registering their goods vehicles outside Delhi because they have to buy Bharat stage II vehicles, which are costlier if they want to register their goods vehicles in Delhi. Many transporters are buying non-bharat stage II vehicles because of the price barrier and getting them registered in adjoining states. But transporters, truck drivers, toll tax collectors, and even the police seemed ignorant about the order that only Bharat II stage compliant goods vehicles should be allowed to enter Delhi. Non-Bharat stage II goods vehicles are not being stopped at the borders and are entering freely.

Some critical issues in controlling emissions from in-use truck fleet

Dealing with the through-traffic poses a serious challenge, as there is wide divergence between emissions regulations in force in Delhi and outside the city. Both CNG and Euro II diesel are available in Delhi but not outside. The incoming fleet, therefore, is more polluting and contribute considerably to the pollution load in the city – which is the concern of the Hon'ble Court as well.

While the immediate strategy should be to prevent the vehicles from entering the city if they do not have any business here, in the long run more attention would have to be paid to making the incoming fleet as clean as the Delhi fleet. Given the nature of the truck traffic that traverses across the country dealing with them is going to be very complex. In some cities like Bangalore efforts are on to regulate entry of these vehicles on the basis of age, barring entry to 20 year old. But enforcement can be quite a problem in the absence of proper database on the number and age of trucks especially for those coming from outside. In cities like Mumbai pollution under control certificate (PUC) is a pre-condition to entry into the city. But there are serious problems with this strategy too. The current smoke opacity tests for in-use diesel vehicles that are conducted under the PUC programme are inappropriate to detect gross polluters. Improved test procedures that require testing on a chassis dynamometer in centralised testing facilities on the basis of commensurate norms are still not in place. Regulating emissions from trucks without a proper inspection and maintenance programme makes the entire exercise meaningless. EPCA is looking into these issues in detail and will file a report on a comprehensive strategy shortly.

EPCA also feels that even within Delhi there is need to move the existing commercial light, medium and heavy-duty vehicles to clean fuels like CNG or make them compliant with more stringent emissions standards for maximum emissions benefit. After moving the bus fleet to CNG goods vehicles have emerged as one of the major source of particulates in the city. EPCA will examine this issue and report back on how appropriate strategies can be devised to move heavy, medium and light duty commercial vehicles operating within the city to CNG and report to the Hon'ble Court. EPCA will also examine how improved quality of diesel can be phased in throughout the country to remove the current discrepancy between the city fleet and the incoming fleet.

Recommendations:

In the interim and as an immediate strategy it is therefore recommended that all serious efforts are made to implement the Hon'ble Court's order on bypassing the incoming goods traffic that do not have business in the city by providing alternative routes outside the city.

The key recommendations are as follow:

1. 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.

2.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.

3. 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.