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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1346/2015

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)..... Petitioner

Through : Mr Kailash Vasdev, Senior Advocate with
Mr Shreyans Singhvi, Mr Sumer Sandhu and
Ms Ekta Mehta, Advocates for Amicus Curiae.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr Mukesh Kumar, Adv. with Ms Gunjan
Sinha Jain, Adv. for NHAI.
Mr Ajay Digpaul, CGSC for UOI.
Mr Pawan Mathur, Adv. for DDA.
Mr Sanjay Lao, Adv. for DCP Traffic (HQ).
ACP Mr Niyam Pal Singh , Traffic.
SI Shakti Singh, Traffic.
Mr KMM Khan, Adv. Sanjay Colony Bhati
Mines.
Mr Mrinal Beri, Adv. for Mr Gaurang Kanth,
Adv. for EDMC.
Mr Sanjeev Ralli, Advocate for DPCC.
Mr Ajjay Aroraa, Advocate for SDMC.
Mr Shiv Kumar, Advocate for R-21.
Mr Rahul Mehra, Adv. with Mr Peeyoosh
Kalra, Mr Shekhar Bhdakoti and Mr Sanyog
Bahadur, Adv. for GNCTD.
Mr Sunil Satyarthi and Mr Ashok Kumar,
Advocates for Delhi Cantonment Board

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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10.02.2016

We reiterate the need to ensure that traffic regulations with regard to wrong carriage-way driving are complied with. The Special Commissioner of Police (Traffic) shall take personal care that the directions of this Court on that aspect of the matter are complied with and that the law is followed in letter and spirit.

Insofar as the Integrated Traffic Management System (ITMS) is concerned, the learned counsel appearing on behalf of the Government of India has placed before us a letter received by him from the Under Secretary, Government of India, Ministry of Home Affairs, dated 09.02.2016 (wrongly shown as 09.02.2015). The same is taken on record. In the said letter, it is stated that the Integrated Traffic Management System (ITMS) Project has huge financial implications and public resources need to be utilized prudently. It is also communicated that the ITMS project was not one of the plan projects approved for the 12th Plan (2012-2013 to 2016-2017). It is also stated that the project is “being examined in consultation with the Delhi Police on adequacy, duplicity and items/components, which are necessary to be retained etc.”

Another startling point, which has been made in the said letter, is that during the 12th Plan, funds to the tune of Rs.275.08 crores were apparently allocated under the Plan Scheme – “Modernization of Traffic and Communication Network of Delhi Police”. What is startling is that out of the said Rs. 275.08 crores, only an amount of Rs 65.67 crores has been spent by the Delhi Police under the said plan till 2014-2015. Even for the current financial year 2015-2016, it is stated that out of the allotted budget of Rs 45 crores, only 33% has been spent till 31.12.2015. Mr Lao, the learned counsel appearing on behalf of the Delhi Police, of course, states that he would like to file a response to the contents of this letter. He may do so before the next date of hearing. But, as Mr Vasdev, the learned Amicus Curiae, points out, the smaller Pilot Project under the ITMS Project was to cost only Rs 71 crores, as indicated in our previous order dated 04.02.2016. If that was the case, then, perhaps the Delhi Traffic Police could have utilized the funds already made available under the 12th Plan for that Pilot Project. Of course, Mr Lao would give a response to this.

We are once again impressing upon the Central Government as well as the Delhi Police that the Integrated Traffic Management System Project may have a huge financial outlay and public resources may be needed for the same, but that would be for public good and in public interest. We have already indicated earlier

that the traffic congestion in Delhi has gone out of hand and requires serious measures to be put in place. Fourteen (14) particularly congested areas have already been identified. Certain measures were said to have been implemented such as the synchronized system for traffic lights. But that does not appear to have taken place in Delhi.

We, therefore, direct the Special Commissioner of Police (Traffic) to ensure that all the directions given by this Court and all the promises made on behalf of the Delhi Traffic Police are put in place at the earliest. We have also noted in an earlier order that traffic congestion and the idling of vehicles is a major contributory factor to air pollution apart from other losses which occur because of the congestion such as loss of time and loss of fuel, which ultimately result in loss of money to the tune of hundreds of crores, if not thousands of crores.

It is, therefore, imperative that both the Central Government and the Delhi Police come out with an Integrated Traffic Management System at the earliest and till that system is put in place, the Police personnel should be sensitized on how to manage traffic in a more efficient and better manner so that the congestion to the extent it can be reduced is reduced. It appears that the Delhi Traffic Police has available funds under the 12th Plan for at least putting in place the said Pilot Project of Rs 71 crores. This is all the more so because only 33% out of the Plan Scheme - "Modernization of Traffic and Communication Network of Delhi Police" – out of the allocated budget of Rs 45 crores of the current year, has been utilized. In other words, 66% of Rs 45 crores, which will be Rs 30 crores, is available and the next financial year is not very far away so that the project can spill over the current financial year and the next financial year.

Mr Kulanand Joshi, Special Secretary (Environment), Government of NCT of Delhi, has been nominated as the person to co-ordinate the efforts with regard to the maintenance of the notified forests, protected forests and the wild life sanctuaries. We direct Mr Joshi to submit a report within two weeks as to whether the action which was supposed to have been completed within two weeks, as per the PERT Chart given at pages 1901 to 1903, has been completed or not and as to

whether the rest of the work is in progress as indicated in the PERT Chart.

From the discussion today, it emerges that a large number of trees have been felled in Delhi for various development activities. The policy of plantation of trees by way of compensation is that for every tree that is felled, 10 trees are to be planted. Another policy indicated by Mr Rahul Mehra is that out of these 10 trees which are to be planted by way of compensation, 50% of them have to be planted in the area from which the tree was felled or in the vicinity of that area and the balance trees are to be planted in the forest area.

It has also been indicated by the learned amicus curiae, which has been confirmed by the personnel from the forest department, including Mr Tarun Johari, who is the Conservator of Forests and Mr Shukla, who is the Chief Conservator of Forests that approximately 600 trees can be planted in an acre of land, out of which only about 200-250 trees would survive as full grown trees. Another interesting aspect of the matter which has been revealed today, which needs further verification, is that older trees outside the forest areas, which form part of green cover in Delhi, ought to be replaced by newer trees because after a particular age of a tree, it becomes a net carbon dioxide generator rather than an oxygen generator. This is the contention of the officials from the forest department which, of course, needs further verification. Mr Mehra, on instructions, states that there is a scientific report which needs to be placed on record. In any event, the trees, like all other living things, have a life span and, therefore, there has to be planning with regard to replenishing the tree cover by planting further trees in a planned and phased manner so that by the time the older trees have out-lived their live spans or are about towards the end of their lives, the newer trees are ready for replacing them. This is essential because trees are, after all, the lungs of Delhi. We, therefore, direct the Government of NCT of Delhi to work out an action plan for plantation of trees in a phased manner so that when trees die off naturally, they are ready to be replaced by newer trees. Mr Joshi, Special Secretary (Environment), Government of NCT of Delhi, shall convene a meeting of all the civic agencies and, particularly, their horticulture departments to

work towards this plan. All the agencies would fully co-operate with Mr Joshi. A status report be filed before the next date of hearing with regard to the progress made in this direction.

Renotify on 10.03.2016.

Dasti.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

FEBRUARY 10, 2016

‘sn’/kb