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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)..... Petitioner
Through: Mr Kailash Vasdev, Sr. Adv. with Mr Shreyans Singhvi, Ms Ekta Mehta, Mr Sumer Singh Sandhu and Mr Umrao Singh Rawat, Advs. (Amicus Curiae).

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Rahul Mehra, Adv. with Mr Aditya Swarup Agarwal, Adv. for GNCTD.
Mr Mukesh Kumar, Adv. with Mr Siddharth Agarwal, Adv. for NHAI.
Mr Vivek Goyal, CGSC with Ms Namisha Gupta, GP, for UOI.
Mr Anshuman, Adv. for Delhi Cantonment Board.
Mr Pawan Mathur, Adv. for DDA.
Mr Sanjeev Ralli, Adv. with Mr Vinod Kapoor, Mr Kulanand Joshi, MS (DPCC) and Mr Dinesh Jindal, LO, for DPCC.
Mr Anil Grover, Adv. with Ms Noopur Singhal, Adv. for NDMC.
Mr Sanjay Kumar, Adv. for DMRC.
Mr Ajay Arora, Adv. with Mr Munish Malik, Adv. for MCD.
Ms Manisha Agrawal Narain, Adv. for R-6.
DCP Traffic (HQ) Mr Manoj. C. with ACP R.K.Sony, Mr Insp. Kailash Bisht. ASI Virender, SI Ram Tirath.
Ms Latika Choudhary, Adv. for DTC.
Mr Sanjay Lao, Adv. for Delhi Police.
Mr Ajay Digpaal, CGSC with Mr Kunal Gosain, Adv. for UOI.
Mr Peeyoosh Kalra, Adv. with Ms Shiva Sharma and Ms Sona Balkar, Adv.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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10.03.2016

Mr Rahul Mehra has placed before us the comments on carbon released by

old, mature and over-mature trees. These comments have been prepared on the basis of the inputs from the Indian Council of Forestry Research and Education, Dehradun, Uttarakhand. On the previous occasion statements of Mr Tarun Johri and Mr Shukla, who is the Chief Conservator of forest, were noted indicating that after a particular age a tree becomes a net carbon releaser rather than a net carbon accumulator, inter alia, meaning thereby that the carbon dioxide released by the tree is far in excess of the oxygen which is generated by the same tree. But, the comments placed before us by Mr Rahul Mehra indicate that as a tree ages, though the growth rate of the tree declines, the carbon balance of the tree still remains positive and an old tree has a lot of carbon locked within it in the form of wood. Insofar as the carbon storage and sequestration, growth rate (or carbon balance) in trees at differing stages are concerned, it has been noted that even with regard to dead trees, the same has been estimated at zero indicating that a negative value has not been assigned to tree. This is based on a study done on urban trees in the USA. It is, therefore, clear that the statement recorded on the previous date is not entirely correct.

The comments shown to us by Mr Rahul Mehra also indicate that the old growth forests are important carbon pools with locked carbon. And, protecting these forests would prove a boon to the fight against global warming.

It is, therefore, quite clear that maintenance of trees is imperative and so too the forests which still 'survive' in Delhi. Mr Rahul Mehra shall indicate on an affidavit the exact steps being taken by Mr Joshi, Special Secretary (Environment), Government of NCT of Delhi, who was appointed as the nodal officer. The affidavit shall also indicate the steps undertaken under the Delhi Tree Preservation Act, 1994 especially with regard to online applications for felling trees and permissions being granted therefor. Mr Rahul Mehra states that he shall be filing an affidavit within two days indicating the steps taken towards conservation/demarcation of forests as per the PERT chart. An advance copy will be given to Mr Vasdev.

With regard to the traffic situation in Delhi, we are directing Mr Manoj C., DCP, Traffic (HQ), to prepare a presentation to be given to this court indicating as to how the traffic situation is monitored by the traffic police in their control room/rooms. This would enable us to understand the steps undertaken by the traffic police to ensure that the chaotic situation that exists today on the roads in Delhi is being looked into and positive action is being taken to alleviate the misery of the people of Delhi on both counts of traffic snarls and resultant air pollution. Because of the congested road conditions, it has been brought to our notice by the learned counsel appearing in this matter that on many occasions several citizens who are in need of emergency care, particularly in the field of health care, are denied that because of the lack of mobility. A suggestion has been given that helicopters may be used by the Government, particularly for transporting patients caught in traffic jams or otherwise on an emergency basis so that their lives can be saved. Mr Rahul Mehra, the learned counsel appearing for the Government of NCT of Delhi, states that he shall place it before the Government and come back with a response. The learned counsel appearing for the Central Government shall also provide a response of the Central Government.

We also want to emphasise that the Delhi Traffic Police should publicise the increase in the fines for wrong carriage-way driving as also the prosecutions that they are undertaking under the various provisions of the Indian Penal Code and the Motor Vehicle Act so that the public is aware that if they violate the traffic laws then they would be liable for action and police would be vigilant in this regard. We also direct the Delhi traffic Police to not only issue challans/summons through the court system but also do on the spot challaning of traffic violations, particularly, with regard to driving on the wrong carriage-way.

Renotify on 07.04.2016.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MARCH 10, 2016

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