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W.P(C)No. 13029 OF 1985

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ITEM Nos. 301

COURT No. 2

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No. 150 in I.A. Nos. 15-16 in
Writ Petition (Civil) No.13029/85@@
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M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.
(for directions on behalf of Rajasthan State Road
Transport Corporation)

Respondent (s)

WITH
I.A.No.151 in W.P.(C) 13029/85
(for impleadment and directions on behalf of Delhi Petrol
Dealers Association)

WITH
I.A.No.152 in W.P.(C) No. 13029/85
(For directions on behalf of Amicus Curiae)

Date : 06/12/2001 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

FOR APPEARING PARTIES@@
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Mr. H N Salve, Solicitor General (AC)(NP)
Mr. U U Lalit, adv. (AC)
Ms. Aprajita Singh, adv.
Mr. Nikhil Sakhardande, adv.

Mr. M C Mehta, in person.(NP)

For Applicant in
IA No. 150
Mr. Shanti Bhushan, Sr. Adv.
Dr. Rajeev Dhawan, Sr. Adv.
Mr. Sushil Kumar Jain, Adv.

I.A. No. 151
Mr. G K Bansal, Adv.
Mr. Sanjay Bansal, Adv.
Mr. Ajay Choudhary, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. S Wasim A Qadri, Adv.
Mr. D S Mehra, Adv.

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Mr. Mukul Rohtagi, ASG
Mr. A D N Rao, Adv.
Mr. K C Kaushik, Adv.
Ms. Suvira Lal, Adv.
Mr. C V Subba Rao, Adv.
Mr. B V Balram Das, Adv.

Mr. F S Nariman, Sr. Adv.
Ms. Percy Gandhi, Adv.
Mr. R N Karanjawala, Adv.
Ms. Nandini Gore, Adv.
Ms. Pooja Gautam, Adv.
Ms. Manik Karanjawala, Adv.

Mr. Sri Narain, Adv.
Mr. Sandeep Narain, Adv.
Ms. Anjali, Adv.

Mr. Parijat Sinha, Adv.

Mr. Vijay Panjwani, Adv.

Ms. Shiel Sethi, Adv.

Mr. Siddharth Yadav, Adv.
Ms. Anupama Grover, Adv.
Mr. Rakesh K Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

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I.A. No. 151@@
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An interim report has been received from Mr. Bhure Lal. He is granted eight weeks' time to furnish a further report. He is also requested to see that surprise checks are carried out as directed in our order dated 22nd November, 2001.

Mr. Mukul Rohtagi, learned Additional Solicitor General states that the Government of India, Ministry of Road Transport and Highways has sent a communication dated 23rd November, 2001 to the
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Secretaries/Commissioners of all the State Governments and Union Territories as well as to the Director Generals of Police of the respective State Governments to the effect that it should be ensured that the driver and the person seated in the front seat wear the seat belts while the vehicle is in motion.

According to the Union of India, therefore, all over India, this requirement has to be complied

with, namely, passenger sitting in the front seat and the driver must compulsorily wear the seat belts. Mr. Rakesh Dwivedi, learned Senior counsel draws our attention to a public notice which has been issued by the Government of NCT, Delhi wherein it has been stated that the driver and the person seated on the front seat of the motor vehicle are required to wear seat belts, while the vehicle is in motion and any person who contravenes this provision of law is liable to be punished under Section 177 of the Motor Vehicles Act, 1988.

In our opinion, it will be appropriate if the requirement of wearing the seat belt, by the passenger sitting in the front seat of the motor vehicle and the driver is given wider publicity, through the medium of television and advertisement in newspapers, both in the national as well as in the regional languages and
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in the regional televisions and newspapers. In this regard the Chief Secretaries of each State should ensure that due publicity in regard thereto is given and it will be their responsibility to ensure compliance of wearing the seat belts by the driver and the passenger in the front seat in the motor vehicle.

With regard to the wearing of seat belts in the rear seat, Mr. Rohtagi, learned ASG submits that notification will be issued making it mandatory for wearing such seat belts with effect from 1st October, 2002. This statement is recorded.

Additional Solicitor General has placed on record an affidavit of Mr. V K Cherian on behalf of Union India, alongwith which amendment order 2001, issued on 29th October, 2001 has been filed. This gives statutory recognition to the quality of High Speed Diesel and Petrol, which is required to be supplied in NCR of Delhi. Mr. Rohtagi, learned ASG will also inform the Court as to when in the rest of the country, the quality of High Speed Diesel and Petrol be brought up to the level of Delhi.

In the Status Report, which has been filed by the Delhi Traffic Police it has been stated that Fare Charts indicating the rates of Taxi/TSRs in Delhi are
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regularly printed and distributed among the general public. There is reference also to the complaint cards which are printed and distributed. It is common knowledge that there are serious allegations with regard to the TSRs/Taxi's meters being tampered and not properly calibrated. We, hereby, direct NCR, Delhi to ensure that every taxi and TSR in Delhi will have installed in the vehicle a tamper proof meter, whether electronic or working on any other system, with effect from 1st February, 2002.

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 the traffic on the 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 is directed to formulate a Scheme in this behalf and give due publicity to all concerned and implement the same.

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On the next date of hearing, the Delhi Government will also inform what steps it has taken with regard to the installation of electronic speed governors.

List the application after eight weeks.

I.A. No. 150@@
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Learned counsel for the applicant wishes to amend the application. The application be amended within one week.

List after two weeks.

I.A. No. 152 @@
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Learned Amicus may file his rejoinder in I.A.@@
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No. 152. Government of NCT, Delhi should also file@@
AAAAA
its response.

List after two weeks.

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(S.L. Goyal)
Court Master

(Kanchan Jain)
AR-cum-PS