

EPCA Report Number 38 (October 2013)

**In response to Hon'ble Supreme Court dated September 16, 2013
In response to the I. A. 347 of 2013 and I. A. 348 of 2013
(In the matter of W. P. (C) No. 13029 of 1985; M. C. Mehta v/s UOI & others)**

I.A. 347 of 2013 in W.P. (Civil) 13029 of 1985
(Petitioner has prayed to direct Delhi Traffic Police not to impound the vehicles)

and

I.A. 348 of 2013 in W.P. (Civil) 13029 of 1985
(Petitioner has prayed to modify the Supreme Order, and by allow HGV, LGV and
MMV to ply in any lane of the road in the city of Delhi)

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

1.0 Background

- 1.1 In I.A. No. 347 of 2013 and I.A. No. 348 of 2013 in W.P. (Civil) 13029 of 1985 before Hon'ble Supreme Court of India, the Petitioner has quoted Para 1. A (c) of the Order dated 20.11.1997 passed by Supreme Court in W.P. (Civil) 13029 of 1985 (mentioning it as Order dated 28.9.1997):

Hon'ble Supreme Court Order dated 20.11.1997 (Part)

“1. After hearing counsel for the parties and learned Amicus Curiae, for reasons indicated separately, in exercise of the power of this Court under Article 32 read with Article 142 of the Constitution of India, we hereby give the following directions namely:

“A. the Police and all other authorities entrusted with the administration and enforcement of the Motor Vehicles Act and generally with the control of the traffic shall ensure the following:

- (a) No heavy and medium transport vehicles, and light goods vehicles being four wheelers would be permitted to operate on the roads of the NCR and NCT, Delhi unless they are fitted with suitable speed control devices to ensure that they do not exceed the speed limit of 40 KMPH. This will not apply to transport vehicles operating on Inter-State permits and national goods permits. Such exempted vehicles would, however, be confined to such routes and such timings during day and night as the police/transport authorities may publish. It is made clear that no vehicle would be permitted on roads other than aforesaid time without a speed control device.*
- (b) In our view the scheme of the Act necessarily implies an obligation to use the vehicle in a manner which does not imperil public safety. The authorities aforesaid should therefore, ensure that the transport vehicles are not permitted to overtake any other four-wheel motorized vehicle.*
- (c) They will also ensure that wherever it exists, buses shall be confined to the bus lane and equally no other motorized vehicle is permitted to enter upon the bus lane. We direct the Municipal Corporation of Delhi, NDMC, PWD, Delhi Government and DDA, Union Government and the Delhi Cantt. Board to take steps to ensure that bus lanes are segregated and roads markings are provided on all such roads as may be directed by the Police and transport authorities.”***

- 1.2 In these I.A.s, I.A. No. 347 of 2013 and I.A. No. 348 of 2013 in W.P. (Civil) 13029 of 1985, the Petitioner has mentioned that the above quoted Hon'ble Supreme Court Order is regarding maintaining the bus lane but Delhi Traffic Police is enforcing goods vehicles also to ply on the extreme left lane i.e. the bus lane. The Petitioner has further mentioned in these I.A.s that for lane violations Delhi Traffic Police challans and also impounds goods vehicles of Delhi whereas the vehicles registered outside Delhi are only challaned.
- 1.3 In I.A. 347 of 2013 in W.P. (Civil) 13029 of 1985, the Petitioner has prayed to Hon'ble Supreme Court to direct Delhi Traffic Police not to impound the goods vehicles.
- 1.4 In I.A. 348 of 2013 in W.P. (Civil) 13029 of 1985, the Petitioner has prayed to Hon'ble Supreme Court to modify the above quoted Supreme Order and allow HGV, LGV and MMV to ply in any lane of the road in the city of Delhi
- 1.5 Hon'ble Supreme Court has referred the above I.A.s, I.A. No. 347 of 2013 and I.A. No. 348 of 2013 in W.P. (Civil) 13029 of 1985, to EPCA by Order dated 16.9.2013:

Hon'ble Supreme Court Order dated 16.9.2013

“Applications be referred to the Bhure Lal Committee which shall respond within a period of four weeks.

List the matter thereafter along with the Report of the Bhure Lal Committee.”

2.0 Consultation held by EPCA

- 2.1 The Order dated 16.9.2013 of Hon'ble Supreme Court was received on 3.10.2013. EPCA convened a meeting on 9.10.2013 to discuss the matter with Delhi Traffic Police and Delhi Transport Department.
- 2.2 On the matter of impounding of goods vehicles for traffic rules violation, Delhi Traffic Police informed in the meeting held on held on 9.10.2013 that impounding is done only in special cases of serious violations.
- 2.3 Delhi Traffic Police by its letter dated 14.10.2013 further provided statistics on goods vehicles, trailers, and buses entering daily into Delhi from 12 important borders (**Annexure 1**), and road accidents per year (**Annexure 2**) and offence wise prosecutions per year (**Annexure 3**) for goods vehicles, buses HTVs, LTVs, buses and TRVs for the period 2010, 2011, 2012 and 2013 (upto September), along with number of cases out of total prosecutions in which drivers were arrested and vehicles impounded.
- 2.4 On the matter of requirement of lane driving for goods vehicles, Delhi Transport Department informed in the meeting held on 9.10.2013 that the above quoted Para 1.A.(c) of the Supreme Court Order dated 20.11.1997 mentioned by the Petitioner in I.A. 347 of 2013 and I.A. 348 of 2013 was modified by Para (12) (iii) of the Supreme Court Order dated 16.12.1997, so as to insert the words 'heavy goods vehicles, medium goods vehicles and 4-wheel light goods vehicles plying during the permitted hours' after the word 'buses' in Para 1.A.(c) of the Supreme Court Order dated 20.11.1997 :

Supreme Court Order dated 16.12.1997 (Part)

"(12) There are certain modifications called for in our earlier order dated 20th November 1997, which we direct as under.

(i) ...

(ii) ...

(iii) In para A (c), after the word "buses" add the word "heavy goods vehicles, medium goods vehicles, and 4-wheel light goods vehicles plying during the permitted hours"

- 2.5 Delhi Traffic Police by its letter dated 14.10.2013 also provided a Note on prohibitions on plying and idle parking of heavy, medium and light goods vehicles on specified roads/areas during specified timings in the NCT of Delhi along with details of these restrictions imposed by the Transport Department, GNCT of Delhi under section 115 of Motor Vehicles Act, 1988, and the Delhi Traffic Police, under regulation 30 (1) of the Delhi Control of Vehicular and Other Traffic on Roads and Street Regulations, 1980 (framed under section 28, Delhi Police Act, 1978 (**Annexure 4**).

3.0 Observations about goods vehicles related accidents, offences, impounding, lane regulations, and Day / Peak hours restrictions

- 3.1 About 9000 HGVs/MGVs, about 9000 LGV and more than 2500 trailers enter Delhi per day. Thus more than 20000 goods vehicles about 8000 (interstate) buses enter Delhi everyday. It is estimated that about 10000 (DTC/local) buses ply on Delhi roads additionally. Thus, both goods vehicle traffic and buses traffic are huge.
- 3.2 From the statistics on offences it is noticed that goods vehicles make up most of the offences, about 1.5 to 2.5 lakh offences per year by HTVs (HGVs/MGVs), and about 4.5 to 5 lakh offences per year by LGVs (these figures are next followed by chartered buses: about 15 to 25 thousand offences per year, and RTVs: 10 to 15 thousand offences per year).
- 3.3 From the statistics on road accidents it is also noticed that goods vehicles are responsible for most accidents, about 500 to 600 accidents per year, and goods vehicles are also responsible for majority of fatal accidents, about 250 to 300 accident related deaths per year.
- 3.4 Number of goods vehicles impounded as compared to total offences by goods vehicles have been 8.1% in 2010, 10% in 2011 and 7.1% in 2012 in case of HTVs, and 2.8% in 2010, 3.7% in 2011 and 2.5% in 2012 in case of LGVs.
- 3.5 Delhi Traffic Police informed in the meeting held on 9.10.2013 that due to huge goods vehicle traffic, goods vehicles are generally made to ply on two left lanes.
- 3.6 Maps that are available from Delhi Police to EPCA indicate the current regulations related to restrictions on the movement of three-wheeled, medium and heavy duty goods vehicles on different roads and streets of Delhi (**Annexure 5**). The analysis of the map shows that nature of restrictions for all the three categories of good vehicles are not uniform across the city (**Annexure 6**). The key highlights are as follow:
- **Three-wheeled goods vehicles are restricted only during specified peak hours** – 8.00 AM to 11.00 AM in the morning and 5.30 PM to 8.00 PM during the evening. This restriction is well spread out throughout Delhi.
 - **Heavy and medium duty vehicles are partially restricted:** Heavy duty and medium duty vehicles are restricted throughout 24 hours only in Lutyen's Delhi, Central Delhi, and some key roads including Vikas Marg, August Kranti Marg, part of Najafgarh roads, from Raja Garden Flyovers, G T Road (from Chowk to Hamilton Road, Pashchim Marg, and few

smaller stretches. Day time restrictions (7.30 AM to 9.30 PM) is enforced only on a few roads in the city. Peak Hour restrictions (7.30 AM to 11 AM and 5.00 PM to 9.30 PM) are applicable on selected arterial roads. This indicates that even during the day these vehicles are allowed to ply in substantial part of the city roads.

- **Light Goods Vehicles are partially restricted:** Light Goods Vehicles are restricted for 24 hours on Pashchim Marg, Prithviraj Road, and road below Choadharu Jhandu Singh Marg, Lutyens' Delhi. Peak hour restrictions are only on selected roads.

- 3.7 From the maps describing the day time restrictions and peak hour restriction on goods vehicles plying in Delhi EPCA noticed that day time restrictions and peak hour restrictions for HGVs/MGVs and LGV are only partial and these goods vehicles are allowed in most streets and roads of Delhi during the day. The restrictions are not uniformly and rationally spread throughout the city, and seem to be less than what could be desirable to decongest the city during day time and peak hours.
- 3.8 Bus lanes are most common method of giving priority to buses on roads across the world. Generally, in the bus priority lanes some vehicles are given permission to use bus lanes under the city traffic rules. These include authorized emergency vehicles, bicycles, private vehicles accessing property along the road, delivery vans and utility vehicles that need to access loading zone along the road. Bus lanes are enforced with the help of physical design, operating hours, monitoring through camera and enforcement with the help of effective penalty for violation of lane rules.
- 3.9 EPCA feels that bus lanes could be an effective tool to effect people's shift from personal vehicles use to public transport in Delhi. A note on global approaches in enforcing bus priority lane is annexed (**Annexure 7**). Dedicated bus lane can improve journey time of the bus users.
- 3.10 Extreme left lane of the road must be designed to ensure safety of the cyclists. Delhi has one of the highest numbers of cyclists among cities. They are highly vulnerable to road accidents. They need dedicated safe passage along the edges of the road. Road design needs to address this to minimize conflict and accident risk to cyclists using bus and goods vehicles lane. The road accident data from the Union Ministry of Road Transport Highways for the year 2012 shows that every fifth day a cyclist is either killed or injured in road accident in Delhi. If it is not easy and safe for people to walk and cycle, or access public transport, they will steadily shift to personal vehicles and add to the pollution and congestion crisis.

4.0 Recommendations

Based on above observations, EPCA recommends the following:

- 4.1 The power of impounding vehicles in case of serious violations needs to remain with enforcement agencies. Therefore, the prayer in I.A. No. 347 of 2013 in W.P. (Civil) 13029 of 1985, to direct Delhi Traffic Police not to impound goods vehicles, may not be accepted. However, the power of impounding vehicles should be used with reasonable restraint, especially in case of public transport buses, which affects public transport users. Delhi Traffic Police may formulate internal guidelines on vehicles impounding in order to minimise subjectivity in enforcement.
- 4.2 The grounds for the prayer in I.A. No. 348 of 2013 in W.P. (Civil) 13029 of 1985 that - Para 1.A. (c) of Hon'ble Supreme Court Order dated 22.11.1997 (mentioning it as Order dated 28.9.1997) is regarding maintaining the bus lane but the Delhi Traffic Police is enforcing goods vehicles to also ply on the extreme left lane i.e. the bus lane - are in itself found not correct because the Para 1.A.(c) of Hon'ble Supreme Court Order dated 22.11.1997 was modified by Para (12) (iii) of Hon'ble Supreme Court Order dated 16.12.1997, so as to insert the words 'heavy goods vehicles, medium goods vehicles and 4-wheel light goods vehicles plying during the permitted hours' after the word 'buses' in Para 1.A.(c) of Supreme Court Order dated 20.11.1997.
- 4.3 In order to control the huge goods vehicles traffic, some lane regulations on goods vehicles are important. Therefore, the prayer in I.A. No. 348 of 2013 in W.P. (Civil) 13029 of 1985, to allow HGV, LGV and MMV to ply in any lane of the road in the city of Delhi, may not be accepted.
- 4.4 Specific lane regulations for goods vehicles during day time and night time need to be clearly prescribed by concerned agencies and effectively enforced to discipline the goods vehicle and reduce accidents. The road owning agencies also need to ensure that all roads with lane regulations should have proper demarcations of bus lane and goods vehicles lane as well as mixed zones before and after intersections and turning points, to enable effective and transparent lane enforcement.
- 4.5 In Delhi where both goods vehicle traffic and bus traffic are huge, it is needed that day time restrictions and peak hour restrictions on goods vehicles plying are rationally spread throughout the city. With segregated hours of operations (e.g. day time and night time, peak vs off-peak hours etc) and more rationalized distribution of day time restrictions on hours of operations of goods vehicles across the city, the conflict between buses and goods vehicles

on the extreme left lane can be minimized and use of road space can be optimised. Transport Department, NCT Delhi and Delhi Traffic Police need to undertake a study to rationally spread the coverage of 'Day time restrictions' and 'Peak hour restrictions' on goods vehicles in order to achieve the objectives of decongesting the city by shifting the goods vehicle load.

- 4.6 Transport Department, NCT Delhi and Delhi Traffic Police need to develop more robust rules for effective implementation and enforcement of bus lanes. These may include extensive physical design and signages for usage of bus lane network, prescribed hours for goods vehicles, permissible list of other vehicles that can access or cut across bus lanes like emergency vehicles, bicycles etc, traffic calming methods to improve safety, and penalty system for violation of rules for stringent rules.
- 4.7 Fully segregated and extensive network of cycle tracks and at-grade safe crossings be provided on all arterial roads. In smaller streets where cycles need to share the bus lanes, passive speed control measures such as traffic calming be implemented especially at all critical intersections to reduce friction between cycles and the high speed motorised traffic.