

# AIR LAW & POLICY

*Reporter*

## Judgment Alert !

November 28, 2016

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The National Green Tribunal in furtherance to the discussions and directions passed on 23.11.2016 in the case *Vardhaman Kaushik Vs. Union of India & Ors*, O.A No. 21/2014, called for the status of compliance to the previous orders passed by the Tribunal.

The Tribunal was dismayed to learn that no concrete action had been taken by the States to deal with the issue of scrapping off old vehicles from Delhi and there appeared various issues with respect to the implementation of the same.

In furtherance to various orders and directions passed by the Tribunal to ensure reduction in the pollution of Ambient Air Quality in Delhi resulting from vehicles and at the cost of the public, the Tribunal issued further directions:

The Ministry of Heavy Industries was directed to frame a policy with respect to scrapping of old vehicles (15 year old diesel vehicles) in NGT's previous orders. The said policy was to provide the methodology and the incentives for the same. Unfortunately, the ministry had not framed any such policy and accordingly,

the matter was taken up. The concerned counsels were directed to take instruction in regard to the policy and the implementation of the same thereof.

1. All the State Government, i.e., Punjab, Haryana, Uttar Pradesh, Rajasthan and NCT Delhi are directed to hold a meeting to identify lands immediately on border areas of NCR Delhi to store/ park vehicles which are beyond the permissible age. The meeting should take place at the earliest and the minutes of the meeting should be placed before the Tribunal before the next date.
2. The counsel for Delhi Development Authority (DDA), have submitted as of present, two sites which have been identified as Narela and Rohini. The same can be provided to Delhi Police for parking such vehicles.
3. The Tribunal however makes it clear that such sites will be (i) provided on a temporary basis, (ii) no permanent structures should be built on such lands, and (iii) an advance payment be made to the DDA.

4. The Tribunal directed that challans on the vehicles on the roads polluting, are not challans under the Motor Vehicle Act, 1988 but are under Environment (Protection) Act, 1986 and the National Green Tribunal Act of 2010.
5. The vehicles seized by the police are not seized under Motor Vehicle Act, 1988 but are under the National Green Tribunal order. No such vehicle will be released unless compensation under the Environment (Protection) Act, 1986 is paid.
6. The environmental compensation has already been identified as INR 5000/- for each violation. Beside this, freight charges and parking charges will be additional obligations of the defaulter.
7. All the compensation and vehicles seized will be actions taken under the NGT order and the acts mentioned above, since the offences mentioned herein are not covered under the Motor Vehicle Act.
8. Delhi Police and the concerned corporations must jointly carry out an action plan to lift and carry away all such vehicles which are not functional (have no tyres or engines) and are parked in public places causing traffic.
9. The Delhi police and other state police shall ensure that all such non destined vehicles do not enter Delhi and do not violate the orders of this Tribunal. In case of any violation, strict action will be taken against such defaulters.
10. All the authorities shall take immediate actions to ensure deregistration of vehicles which are in violation and submit report of the same.
11. The Delhi Police and corporations will hold a meeting this week to find additional sites to ease out the issue of parking such old vehicles.

