

Secretary (P)
Sl. No. 5279
Date 21/7/06

CAB. Decs
CONFIDENTIAL
CABINET MATTER
322/c
33

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
GENERAL ADMINISTRATION DEPARTMENT
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-02

No.F.3/3/2004-GAD/CN/ 2960-2970

Dated: 28/07/2006

CABINET DECISION NO. 1099 DATED: 17/08/2006

Sub: Measures to further control Vehicular pollution-Grant of Subsidy for replacement of retro-fitted two stroke, three wheeler Scooter Auto Rickshaw (TSR) by those with four stroke engine technology.

The Cabinet approved the scheme of switch-over from retro-fitted two-stroke TSRs to those with four-stroke engine technology. The various elements of the scheme would be as follows:-

- Handwritten notes on left: SCB, 21.7, sev
- i) The scheme will be applicable on mandatory basis for all TSRs above the age of 10 years i.e. those registered before 31st July 1996. For the TSRs with less than 10 years age, it will become mandatory on achieving the age of 10 years; before that it will be optional.
 - ii) Permission to register new vehicles shall be granted on submission of proof of physical scrapping of the old vehicles.
 - iii) Transfer of permit shall be allowed from old to the new vehicle.
 - iv) The TSR operators shall be permitted to utilize the same electronic meter on the new vehicles, as was installed in the old vehicles.
 - v) Grant of subsidy at the rate of 6% of the cost of the new vehicle under plan scheme.

The Cabinet also approved the proposal to modify the scope of the plan scheme on "Incentive for light public transport passenger vehicles" to include the participants of the aforementioned switch-over scheme from two-stroke to four-stroke engine

-Sd-
(R. NARAYANASWAMI)
SECRETARY TO THE CABINET

Contd....2/

No.F.3/3/2004-GAD/CN/ 99

Dated: 2

21/C
39

Copy forwarded to the following:

1. Secretary to Lt. Governor, Delhi.
2. Pr. Secretary to the Chief Minister, Delhi.
3. Secretary to Minister of Finance, Govt. of NCT of Delhi.
4. Secretary to Minister of Health, Govt. of NCT of Delhi.
5. Secretary to Minister of Industries, Govt. of NCT of Delhi.
6. Secretary to Minister of Food & Supplies, Govt. of NCT of Delhi.
7. Secretary to Minister of Education, Govt. of NCT of Delhi, Delhi.
8. Secretary to Minister of Transport, Govt. of NCT of Delhi, Delhi.
9. Secretary (Transport), Govt. of NCT of Delhi, Delhi.
10. OSD to Chief Secretary, Govt. of NCT of Delhi, Delhi.
11. Hindi Officer, Language Department: for translation.
12. Guard file.

(SHAKUNTALA D. GAMLIN)
JOINT SECRETARY TO THE CABINET

29/10

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT
5/9, UNDER HILL ROAD, DELHI**

No. 20/466/Tpt/Ops/P-II/2008 | 289-295

Dated:- 14/10/08


CIRCULAR

Subject: - Measures to further control vehicular pollution by allowing replacement of Auto-Rickshaw (TSR) with 4-strokes engine technology with technologically superior RE 4-Stroke CNG Auto-Rickshaws.

It is made clear to one and all that there is no restriction for replacement of the vehicles even before the expiry of the life as laid down by the Supreme Court. Any person who owns a vehicle with a valid permit can at any time on his own volition come forward for the replacement of the vehicle and the Department will not create any hindrance in its replacement provided the vehicle is scrapped after following the due process as is being observed in the case of vehicles which complete their life of 15 years.

The various elements of the scheme would be as follows:-

1. The above scheme is optional.
2. Government will not grant any subsidy on the replacement of the Auto-Rickshaws which are not covered in the replacement scheme for two stroke auto rickshaws as per Cabinet Decision No.1099 dated 17.7.2006.
3. Permission to register new vehicle shall be granted on submission of proof of physical scrapping of old vehicles.
4. The TSR operators shall be permitted to utilize the same Electronic Meter on the new vehicle, as was install on old Auto-Rickshaw, which is scrapped for replacement of new Auto-Rickshaw.



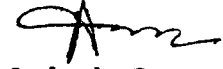
Contd..p/2

289c

This issue with the prior approval of the Secy-Cum-Commissioner (Transport).

2

289-295 dated 14/08/8



(Ashok Gupta)

Dy. Commissioner (A/R)

Copy forwarded for information and necessary action to: -

1. Secy. to Hon'ble MOT&FS
2. P.S to Secy-Cum-Commissioner, Transport
3. PS to Spl. Commissioner, Transport
4. All Jt. Commissioner, Transport
5. All Dy. Commissioner, Transport
6. All MLOs, Transport Department
7. Guard File



(Ashok Gupta)

Dy. Commissioner (A/R)

5/01

NOTICE

ATTENTION ALL PERMIT HOLDERS, DRIVERS OF THREE WHEELER AUTO-RICKSHAWS CONDITIONS FOR CONTRACT CARRIAGE PERMIT OF AUTO RICKSHAWS

In exercise of powers vested in the State Transport Authority Delhi under Section 74 of the Motor Vehicles Act, 1988 conditions for grant of permit for auto rickshaws plying in NCT of Delhi are hereby revised as following:-

1. The Vehicles shall ply as per the rate/tariff approved by the Govt./State Transport Authority from time to time and exhibited in the meter.
2. The fare distance chart as per the notified fares duly approved by the State Transport Authority shall be displayed prominently available at the back of the seat of the driver inside the vehicle as prescribed by the State Transport Authority.
3. Only electronic fare meters approved and duly calibrated by competent authority shall be installed. The electronic fare meter shall be kept in proper working condition.
4. The number of passengers shall not exceed 3 adults excluding driver. A child of not more than 12 years of age shall be reckoned as a half and a child of not more than three years of age shall not be reckoned.
5. The driver shall not refuse to ply to any place within the NCT of Delhi or the area specified from time to time.
6. The driver shall not misbehave with the passenger/intending passenger.
7. The driver shall extend help and assistance to all senior citizens and disabled while boarding and alighting the vehicles.
8. The driver shall wear the uniform in grey colour with his/her Public Service Vehicle (PSV) badge prominently displayed on uniform.
9. The driver shall undergo training as may be prescribed by the Commissioner (Transport) from time to time and in the manner prescribed.
10. The vehicle shall display the Helpline No. of the Transport Department on the rear side of the vehicle also name & address of permit holder.
11. The vehicle shall affix Registration number plate in Braille as per design approved by the Department at the space prescribed by Transport Department.
12. The permit holder shall inform any change in his/her residential address in form 33 of CMVR 1989 within the stipulated period i.e. within 30 days to the Registering Authority.
13. The permit holder shall exercise such supervision as is necessary to ensure that the vehicle is operated in conformity with the Motor Vehicle Act and the rules made there under.
14. The Permit Holder shall be liable for the suspension/cancellation of the permit for any violation of the permit condition.
15. The vehicle shall be kept neat and clean at all time during the operation.

The aforesaid permit conditions shall come into force after 30 (thirty) days from the publication in newspapers.

Tames of India

24-7-2008

(ASHOK GUPTA)
Dy. Sec. (STA)

STATE TRANSPORT AUTHORITY
(AUTO RICKSHAW & TAXI UNIT)

16.12.97

14RC

4216

Amicus A-1

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION [C] NO 13029 OF 1985

M.C.Mehta.

...Petitioner

Versus

Union of India & Ors.

...Respondents

[With W.P.[C]No.9300/82, W.P.[C]No.939/96 and
W.P.[C]No.95/97]

ORDER

After hearing the learned amicus curiae, the Additional Solicitor General and the counsel representing certain other interests, we issue the following further directions, namely:-

- [1] The figures in relation to issuance of commercial licences show that there is need to verify commercial licences, which were issued during the period 1993-95. We, therefore, direct that all commercial licences issued during the period 1993-95 be re-verified by the Transport

MIC 4/1/5

Department to weed out all such licences which have been issued without following the Rules.

[2] We are informed that a test has now been prescribed for issuance of new licences. We direct the Transport Department to prescribe a suitable refresher training course as a condition for the renewal of any licence to drive a heavy vehicle.

[3] The grantee of a permit cannot [without express prior permission], under the provisions of the Motor Vehicles Act, either transfer his permit or to allow some other person to operate a vehicle on this permit. Any such use of permits which really constitutes a trading in permits is a patent violation of the Motor Vehicles Act and the Rules and would render the permit liable to cancellation apart from other legal consequences. We direct the authorities not to renew or permit which has been or is being used by any person other than the original grantee without the express prior permission of

[d] We direct the Civic Authorities to take necessary steps to remove immediately all encroachments- temporary or permanent- on roads and pavements, which affect the smooth flow of traffic or obstruct the way of pedestrians. Stray cattle and other similar obstructions would also have to be similarly dealt with.

[5] The need for safety of school children traveling in buses requires that such buses be fitted with doors that can be shut. We, therefore, direct that on or after 31st January, 1988, no bus shall be used by an educational institution unless it is fitted with doors which can be closed. No educational institutions shall after the said date, use a bus if it has an open door.

[6] Similarly, it is essential that, in addition to a driver, there is another qualified person in the bus who can attend to the children traveling in the bus. Rule 17 of the Motor Vehicles Rules, 1983 stipulates qualifications, duties and

12

functions of a conductor, it would be in the interest of safety to require the presence of a qualified conductor on board every bus that is being used by an educational institution. We are told that at present there is a paucity of trained conductors. We, therefore, direct that on or after 30th April, 1998, no bus used by or in the service of an educational institution shall be permitted to operate without a qualified conductor being present at all times.

- [7] We are also informed that some schools have voluntarily requested the parents of their wards to accompany the buses so as to ensure that the drivers drive safely and the lives of the children are not put in jeopardy. We commend this action, and direct the Education Department to ask all schools including Government and Municipal schools to evolve a similar arrangement as far as possible, so as to ensure that in each bus there is at least one parent present who would be able to oversee the conduct of the driver. This step would go a long way in ensuring that the directions given above



as other safety measures prescribed are complied with in letter and spirit and that the driver drives carefully.

- [8] One of the problems, which has been brought to our notice, is the over crowding of buses. After hearing the views of the Transport Department as well as the Delhi Police [Traffic Wing]. We feel it appropriate to direct that no bus belonging to or in use of any educational institution, shall seat children in excess of 1.5 times its registered seating capacity. Similarly, other modes of public transport, such as TRRs, Taxis and other vehicles used for transporting the students of an educational institution should not be permitted to carry children more than 1.5 times their registered seating capacity.

9. One of the major pollutants identified in the various affidavits as well as in the latest status report filed by the Government, is the TSR [two seater rickshaw using a two stroke engine]. We are further informed that although the existing figures of the registered TSRs, as per the



records, is approximately 83000, the actual number in use is far lesser, since some of these permits have not been cancelled although the vehicles have been scrapped. It would be in the interest of environment, to know the number of TSRs for the present at the level at which they are actually in use in the City. We, therefore, direct that there would be no grant of fresh permit in respect of the TSRs, save and except by way of replacement of an existing working TSRs with a new one.

10. We direct the Police Commissioner to frame appropriate guidelines for regulating processions- religious, political or otherwise- which tend to obstruct the flow of traffic. These guidelines should be in conformity with the rights of the users of the roads and the exercise of fundamental freedom of other citizens indicated by this Court in its judgment in Communist Party of India [M] Vs. Bharat Kumar and others, JT, 1997[9] SC 101.



11. The Union of India is directed to file within two weeks the Action safety laws and confer upon such people suitable powers under the Cr.P.C. as well as under the Motor Vehicles Act. The Union of India would also file its response to the repeated suggestion made by the Traffic Police as well as the Transport Department for augmenting the uniformed force in the city.

12. There are certain modifications called for in our earlier order dated 20th November, 1997, which we direct as hereunder:

[i] In para A[a], add the following:

"Requirement for installation of speed control devices would also not apply in vehicles operating on All India Tourist Permits issued by the Transport Department, NCT of Delhi.

[ii] In para A[f], the sentence commencing "no bus" and ending with "educational institution" shall stand substituted with the following:

No bus belonging to or hired by an educational institution shall be driven by a driver who has

[a] less than five years of experience of driving heavy vehicles:

[b] been challaned more than twice in a year in respect of offences of jumping red lights, improper or obstructive parking, violating the stop line, violating the rule requiring driving within the bus lane, violating restricting the overtaking, allowing unauthorized person to drive:

[c] been challaned / charged even once for the offence of over speeding, drunken driving and driving dangerously or for the offences under Sections 279, 337, 338 and 304-A of the Indian Penal Code.

All such drivers would be dressed in a distinctive uniform and all such buses shall carry a suitable inscription to indicate that



they are in the duty of an educational institution.

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

[iv] In para A[h], add the following:

"Needless to add, this is in addition to the statutory power conferred under Section 115 of the Motor Vehicles Act under which the authorities can prohibit or restrict any class of vehicles[s] from being used, inter alia, on any particular route or during any period of time.

14. The Transport as well as the Police Departments are directed to ensure that the contents of this order are duly publicized so that the people using roads are made aware of the restrictions imposed. They should also give publicity to the basic rules relating to safe driving, particularly



those relating to user of bus lanes, changing of lane, overtaking and right of way on roundabouts. We direct the Union of India to make available the necessary facilities in this regard, particularly in relation to the electronic media.

.....CJI

.....J
[B.N.KIRPAL]

.....J
[V.N.KHARE]

New Delhi
December 16, 1997.