



PRESS RELEASE

Supreme Court admits EPCA report on priority measures to control air pollution

Issues notices to Centre and governments of Delhi, Haryana, Rajasthan and Uttar Pradesh

Centre for Science and Environment welcomes the decision of the Supreme Court to accelerate priority measures to cut toxic vehicular emissions and air pollution

- **Supreme Court acknowledges air pollution is a serious concern with severe public health consequences**
- **Issues notices on actions like uniform Bharat Stage IV standards nation-wide and tighter emissions standards sooner, effective gap between diesel and CNG prices, lower taxes on buses, immediate introduction of daily health alerts on air quality, uniform vehicle tax measures across NCR, effective increase in parking pricing and enforcement to cut car usage**

New Delhi, February 10, 2014: Centre for Science and Environment (CSE) has welcomed today's Supreme Court decision on checking air pollution in the NCR. The Court today has admitted the report from the Environment Pollution (Prevention and Control) Authority (EPCA) on 'Priority measures to reduce air pollution and protect public health' as an interlocutory application (IA).

The bench, headed by Justice Patnaik, acknowledged the gravity of the air pollution problem and issued notices to the Union of India and the state governments of Delhi, Haryana, Rajasthan, and Uttar Pradesh to respond to the recommendations of the report. The report was presented by amicus curiae Harish Salve. The date of the next hearing has been fixed for March 10, 2014.

The bench has taken cognizance of the fact that Delhi has not been able to sustain its air quality gains and air pollution levels are rising again. While the annual average PM10 levels were reduced by about 16 per cent between 2002 and 2007, it increased dramatically once again by 75 per cent after 2007. The nitrogen dioxide levels have also increased by 30 per cent since 2002. During the same decade (2002 to 2012), vehicle numbers have increased by as much as 97 per cent, contributing enormously to pollution load and direct exposure to toxic fumes.

Based on the EPCA report, Salve brought to the notice of the bench that this winter Delhi's air pollution levels increased dangerously. Almost throughout the winter, levels of PM2.5 remained 2-3 times the standards and reached up to 4 to 7 times during high smog episodes; it even hit 8 to 10 times the standards. This is extremely dangerous for people suffering from asthma, and other respiratory and

cardiac problems, as well as for children and the elderly. Studies such as those carried out by the Central Pollution Control Board and Chittaranjan National Cancer Research Institute were cited to show how health of Delhi's children has been compromised and their lungs impaired.

The concerned governments are expected to respond to the following priority measures that have been proposed by EPCA to accelerate second generation reforms to protect public health:

- **A long-term favourable taxation policy to promote the CNG**

programme:The CNG programme, one of the key measures directed by the Supreme Court to curb air pollution and particularly diesel pollution, has been under threat from the wrong fuel pricing policy. Over time, the price gap between CNG and diesel fuels has narrowed considerably hurting the programme. In 2002-03, CNG was cheaper than diesel by about 46.71 per cent. Between 2004 and 2009 the difference widened further to more than 50 per cent as diesel prices increased. But in December 2013, the price differential plummeted to 7.35 per cent. Only after the most recent intervention to reduce CNG prices by Rs 15 per kg in February 2014 has helped to increase the differential again to about 35 per cent. High CNG costs hurt public transport and undermine clean fuel programme.

- **Introduce Bharat Stage IV emissions standards nation-wide by 2015. Move quickly to Euro V and Euro VI by 2021.** Harish Salve pointed out that only Delhi-specific standards will not help any more. All states will have to move to tighter standards to reduce direct exposure to toxic vehicular fume. Also, uniform emissions standards will allow trucks and interstate buses to move to cleaner fuel and technology that otherwise pollute cities during transit. If there are concerns over costs of improving quality of fuels then the government may also be directed to frame fiscal measures to meet the refinery upgrade costs to produce clean fuels for rapid introduction of clean diesel and technology. Limiting improved emissions standards only to a few cities and to a smaller proportion of urban population violates the fundamental right to healthy life for all.

- **Impose additional 30 per cent environment compensation charge on private diesel cars.** The Union of India and the ministry of petroleum and natural gas would be directed to invest revenues from additional tax on diesel cars to produce clean diesel (10 ppm sulphur) to enable introduction of Euro V and Euro VI nation-wide and also scale up public transport. Private cars alone use 13.15 per cent which is higher than buses at 9.55 per cent, agriculture at 13 per cent, railways at 3.24 per cent and mobile towers at 1.54 per cent. Cars are the second highest user after diesel trucks at 28.25 per cent. The WHO has formally reclassified diesel emissions as class I carcinogen for its strong link with lung cancer – putting it in the same class as tobacco smoking. The proposal also came up to tax all cars for the damage they cause to environment and health.

- **Bring all the 10,000-11,000 buses within a year, or face contempt:** In 1998, the Supreme Court had ordered that Delhi should have 10,000 buses. But only

6,251 ply in the city today. But this target has not been met. Subsequently, the High Court had asked for 11,000 buses. A detailed phase-in schedule for introduction of the buses to be submitted to court. When public transport is the urgent need to reduce air pollution, Delhi has suffered serious loss of bus ridership from 60 per cent in 2000 to 40 per cent in 2008. But even today buses carry maximum trips and are expected to play a significant role to help Delhi achieve the Master Plan target of 80 per cent public transport ridership by 2020.

• **Government of NCT, Transport Department of Delhi, Public Works Department, Delhi, UTTIPEC - DDA and traffic police directed to submit a time-bound plan on implementation of appropriate network of dedicated pedestrian and cycling lanes with high degree of safety for pedestrians and cyclists.** This should be based on equity of use and need of the road users including walkers, cyclists and public transport users. The road building agencies like PWD, bodies designing infrastructure like UTTIPEC, traffic police responsible got enforcement need to give a network plan for walking and cycling lanes and all road projects should be subject to this plan. Public transport solution cannot work if people cannot walk and cycle safely and comfortably in the city. The road accident data from the Union Ministry of Road Transport Highways for the year 2012 shows that every hour one person is either killed or injured in road accident in Delhi. Yet over 39 per cent of daily commuters – the majority -- walk and cycle in Delhi (RITES survey of 2008: walk share is 35 per cent and cycle share is 4.4 per cent). The absolute number of walk and cycle trips in Delhi are still among the highest in the country. This will have to be protected and scaled up.

• **Time-bound action plan for augmentation of public transport services and necessary action to remove entry taxes on public transport buses across borders in the NCR under reciprocal agreement.** On an average, close to 2 million daily inter-city trips are made to Delhi and enormous number of trips made out of Delhi. During the last 7-8 years, traffic volumes have increased well over this. But mass transportation – bus and rail – has not kept pace with this growth. This has driven the growth to private and personal transport modes, which in turn, has added to pollution and congestion.

• **Reverse the practice of imposing higher taxes on public transport buses. in NCR** Tax the car. Delhi as well as other concerned state governments Haryana, Uttar Pradesh and Rajasthan in the NCR may also be directed to take similar measures. Wrong fiscal policies are hurting public transport. It is ironical that buses that meet 40 per cent of travel requirement in the city are taxed higher than cars. For example, a car costing around Rs 4-6 lakh pays onetime lifetime road tax in the range of Rs 16,000-Rs 24,000. This, on an annualised basis for the useful life of the car (annualised over 15 years), works out to be a mere Rs 1,000-1,600 per annum. But a bus carrying 50-60 passengers pays a tax in the range of Rs 15,915-Rs 18,715 every year. This adds to the cost of bus operations.

• **Increase parking charges effectively; demarcate legal parking areas and impose higher penalty for illegal parking** to cut congestion from on-street parking, and free up public spaces and walkways from parking. Car growth is explosive also because of hidden subsidies. It is ironical car users pay nothing or pay a miniscule amount for using valuable public space to park their personal vehicles. Delhi and other Indian cities have the lowest parking charges in the world. While developed cities like London, Oslo, Paris etc have daily charges ranging from US \$40 (Rs 2,400) to US \$89 (Rs 5,340) to manage demand – about 40-80 times higher than Indian cities -- even developing cities like Cape Town and Beijing have rates ranging from US \$8 (Rs 480) to US \$4 (Rs 240) -- 4 to 8 times higher than Delhi.

• **Harmonize vehicle related taxes and improved vehicle testing for in-use emissions and roadworthiness in the NCR..**

• **Implement daily air quality index and health advisory for public information immediately.** The governments may also be directed to submit a time bound comprehensive action plan with short, medium and long term action to meet the clean air standards. Even though Delhi has made exemplary move to generate real time air quality data to track air quality, it is not used to issue public health alert and advisory to people to help them take precaution or enforce pollution emergency measures. In many global cities the pollution level as recorded in Delhi would have led to pollution emergency.

It was highlighted that Delhi has already exhausted all soft options. Also limiting action only to Delhi will not help. Air quality targets and benefits will have to be on a NCR wide basis with harmonized laws and fiscal policies. Moreover, substantially improved emissions standards for vehicles and fuel quality will have to be implemented nation-wide to address regional concerns as vehicles especially trucks move across boundaries and add to the pollution load in cities during transit.

For more details, please contact **Anumita Roychowdhury** at 9811793923 / anumita@cseindia.org.