

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

(In Original Application No. 793 of 2022)

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(Er. Kapil Dev)

(Applicant No. 2)

Date: 14-02-2025

Place: Ludhiana

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

(In Original Application No. 793 of 2022)

Council of Engineers & ors. Applicants

Vs.

State of Punjab & ors Respondents

Submission by Applicant No. 2 in regard with Report dated 21-01-2025 submitted before this Hon'ble Tribunal by Learned Court Commissioner along with important facts regarding the issues involved.

Hon'ble sir

Respectfully showeth

The Applicant No. 2 humbly submits as under:

1. That from the report of Learned Court Commissioner, it is once again crystal clear that the area of Park in which Library is constructed is 350 Sq yards & around 50% of this Park has been concretized by the Respondent MCL. It is pertinent to humbly submit here that the MCL in his affidavit to this Hon'ble Tribunal had mentioned the Park area as 1142 Sq yards but in documents provided to the Learned Court Commissioner, the area has been deliberately mentioned as 1887.35 Sq meters i.e. 2255 Sq yards. It is pertinent to humbly submit here that around 22% of other separate park which is being projected as part of impugned park, is also covered with interlocking tiles. **Thus, the Respondent Municipal Commissioner of Ludhiana has been trying to mislead this Hon'ble Tribunal again and**

again with wrong affidavits whereas; the actual area of Park is just 350 Sq yards, thus liable to be punished for submitting false affidavit before this Hon'ble Tribunal.

2. That this Hon'ble Tribunal wide orders dated 04-10-2024 has already directed the MCL for restitution of the impugned park by demolishing the impugned Library and excess concretized surfaces. It is pertinent to humbly submit here that on next date of hearing, despite taking two weeks' time on 04-10-2024, the Counsel for Respondent MCL had submitted on 05-11-2024 that the Books of Library are being tied to shift to some other place but the books can be seen laying Books Almirahs as per photograph available in Report of Learned Court Commissioner. **It is pertinent to humbly submit here that despite knowing the facts that there are directions of the Hon'ble High Court of Punjab & Haryana in case title "Court on its own Motion vs. State of Punjab (CWP 4886 of 2003) decided on 04-10-2008 against unauthorized construction on Public Places and the encroachments done by Municipal Corporation Ludhiana & other departments on public places before 10-02-2004 were only allowed to be regularized by the Hon'ble Punjab & Haryana High Court & similar directions were issued in CWP No. 4554 of 2016 (O&M) and same are produced herewith as Annexure PX-12. Thus, despite knowing the facts, the MCL intentionally & deliberately constructed the impugned Library Building on Public Park by going against directions of law.**

3. That besides issue of illegal parking & concretization at Greenbelt along Lodhi Club Road by Respondent Club & School, there is already issue of illegal parking & concretization in impugned greenbelt/parks situated at Old G.T. Road as taken up by Petitioners in this Original Application, **the impugned Library building is adding to chaos on this Road and greenbelts.** It is pertinent to humbly submit here that large number of Commercial Buildings have encroached upon the greenbelt along old G.T. Road by parking their vehicles on daily

basis. **The Vehicle Showrooms have not only encroached upon Greenbelts and Park by illegal parking of their new vehicles/Staff vehicles/loading & unloading of new vehicles but have completely encroached the Service lane too.** Further, large number of workshops are using the greenbelts for repair of vehicles. **As directed by the Hon'ble Supreme Court as well as this Hon'ble Tribunal in many cases, such commercial activity cannot be permitted in greenbelts and parks.** 32 Photographs (Running Page No. 668 to 685) have already been produced in this regard and **eight new Photographs clicked on 30-01-2025 depicting encroachment over greenbelts by illegal parking of new vehicles/ongoing repair of vehicles/Staff Vehicles of commercial outlets** at Old GT Road are produced herewith as **Annexure PX-13.**

4. That **there is major issue of WATERLOGGING on this Old GT Road as there is no storm water drainage system and the major portion of earthen surface of Greenbelts has been covered with cement concrete.** It is further pertinent to humbly submit here that due to illegal parking in greenbelt area, there will be no growth of grass and it is well known fact that **roots of grass helps in seepage of water faster than earthen surface without any grass.** Thus, it is not only important to remove the concrete surface but is very important to prevent illegal parking on greenbelts.
5. That as already decided by this Hon'ble Tribunal in various cases, the Greenbelts cannot be concretized beyond 5% of Park/greenbelt area, however the impugned greenbelt along Old G.T. Road from Jagraon Bridge to Sherpur Chowk has been fully concretized at almost 50% of total stretch, thus leading to major degradation of environment. It is further pertinent to humbly submit here that the Respondent School as well as Lodhi Club are using the greenbelt for parking of private vehicles after concretization whereas as per Point No. 17 (running page 640) of Notification dated 13-04-2018, **"all green areas and neighborhood**

parks need to be protected from parking". It is pertinent to humbly submit here that keeping of directions of Hon'ble Punjab & Haryana High Court, the Department of Transport (Transport-2 Branch) Government of Punjab issued orders dated 07-11-2013 for transport policy which were forwarded to all DEOs & All School Heads of State of Punjab vide Memo No. DySPO (PSEB)/2019/190122 dated 05-07-2019 by Department of School Education, Government of Punjab in which it is clearly mentioned as under:

"To ensure that School must have their own designated land for parking areas so that the congestion caused due to traffic in front of school could be minimized".

(The copy of Transport Policy dated 07-11-2013 forwarded to all DEOs & All School Heads of State of Punjab is produced herewith as Annexure PX-14).

6. That the Respondent School as well as the Lodhi Club have been increasing the number of Students/members respectively from time to time despite knowing the facts that there is no adequate space available for parking of vehicles. Such an act by both the respondents is against the sustainable development and the illegal way of usage of greenbelts by both the respondents is against directions of this Hon'ble Tribunal as well as notification dated 13-04-2018. It is pertinent to humbly submit here that Respondent School is running away from its responsibility by saying that the buses which are parked in greenbelt area, do not belong to School. However, it is important to submit here that even if the buses do not belong to School, but it is duty of School to take responsibility of even private buses. **It is further pertinent to humbly submit here that there is issue of waterlogging near the school during monsoon too** and thus, it is very important to remove the concrete tiles and allow grass to grow over it for faster seepage of water into ground.

Keeping in view of the direction of Hon'ble Supreme Court, this Hon'ble Tribunal for Greenbelts and Parks, directions of Hon'ble Punjab & Haryana High Court for Transport

Policy for School Vehicles, Notification dated 13-04-2018 for no parking in greenbelts, Transport Policy dated 07-11-2013, orders dated 04-10-2024 in this Original Application as well as Environmental damage being done by Respondents by encroaching upon the Park & Greenbelts, the Applicant humbly prays this Hon'ble Tribunal to accept our prayer as submitted in original application & issue directions for Restitution of impugned Greenbelts and Park and further humble prays this Hon'ble Tribunal to take action against the Municipal Commissioner for submitting false affidavit before this Hon'ble Tribunal.

Place: Ludhiana
Dated: 14-02-2025



Er. Kapil Dev
(Applicant No. 2)



CWP No.4554 of 2016 (O & M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4554 of 2016 (O & M)

Date of decision:05.12.2016

Tarun Kumar

....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Johan Kumar, Advocate for the petitioner.

S.S.SARON,J.

The petitioner-Tarun Kumar has filed the present petition in the nature of public interest under Articles 226/227 of the Constitution of India for directing the respondents to remove the unauthorized encroachments and unauthorized constructions made by the shop owners of Library Market Ballabgarh, District Faridabad.

It is inter alia submitted that owners of shop bearing No.1, 37, 39-A, 44 owned by various persons of Library Market, Ballabgarh, District Faridabad have made unauthorized constructions by encroaching upon the public passage and have included the public passage in the area of their shops and have put shutters after encroaching the entire public passage.

Learned counsel for the petitioner was apprised of the provisions of Section 408-A of the Haryana Municipal Act, 1994 ('Act' - for short) and also the judgment of this Court in '**Court on its own motion v. State of Punjab and another**' CWP No.4886

**For Subsequent orders see CWP-15018-2016 Decided by HON'BLE MR. JUSTICE S.S. SARON;
HON'BLE MR. JUSTICE DARSHAN SINGH**



CWP No.4554 of 2016 (O & M)

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of 2003 decided on 04.10.2008 and incorporated '**Rajan Goel and another v. The State of Haryana and others**' CWP No.17664 of 2005 decided on 11.12.2008.

In terms of the judgment in Court on its own motion v. State of Punjab (supra), a Division Bench of this Court had issued the following directions:-

“(i) the State of Punjab is directed to take a conscious policy decision, in accordance with law for removal and/or regularization of the encroachments, if any, made on the public lands by the government's Educational Institutes, Hospitals, Dispensaries, Police Stations, etc. keeping in view the fact that such institutions are not to be placed at the same pedestal as a private individual encroacher;

(ii) the directions issued by this Court on 10.2.2004 restraining the State Government from regularizing unauthorized encroachments and constructions, provided that such encroachments are other than by the government or public institutions, are made absolute;

(iii) the civil courts before whom the cases pertaining to encroachments made within the areas of Municipal Corporations, Ludhiana, Bhatinda and Patiala are pending, are directed to expedite the disposal of those cases preferably within two years of their institution;

***For Subsequent orders see CWP-15018-2016 Decided by HON'BLE MR. JUSTICE S.S. SARON;
HON'BLE MR. JUSTICE DARSHAN SINGH***



CWP No.4554 of 2016 (O & M)

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(iv) the Municipal Corporations are directed that encroachments from all those public properties except falling within the direction No. (i) above and/or wherever the civil court has decided the matter in favour of the private individuals, shall be removed and the lands will be retrieved forthwith but not later than six months from today;

(v) the Municipal Corporations are further directed to constitute and notify the Enforcement and Monitoring Committees for one or more areas which shall periodically report to the Municipal Commissioner regarding the status of the encroachments, if any, their taking place or being removed within the area. Necessary and prompt action shall be taken by the Municipal authorities to nip it in the bud;

(vi) the Municipal Corporations shall forthwith locate the encroachment prone areas and take all necessary safeguards/preventive measures against possible trespass/ encroachments, viz., erecting barbed-wire fencing, displaying notice-boards containing statutory warning, etc., and make the Encroachment and Monitoring Committee of the respective area accountable for any lapse or inaction on its part;



CWP No.4554 of 2016 (O & M)

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(vii) the Municipal Corporations shall also evolve public participation in their anti-encroachment drive by constituting Vigilance Committees of the NGOs/citizens who may volunteer to inform the municipal authorities including the Enforcement and Monitoring Committees regarding any fresh encroachments so that the desired action in terms of direction No.(v) above can be taken without any delay;

(viii) if a public spirited person notices that any encroachment is not being removed and/or being allowed to take place in connivance with the employees, authorities or councillors of the Municipal Corporation, he/she shall be at liberty to institute contempt of court proceedings against such person and/or Municipal authorities for their act of willful and deliberate disobedience of the directions issued hereinabove."

The above directions were adopted in Rajan Goel's case (supra) and the writ petition was disposed of on the terms set out in para No.11 of the decision rendered in Court on its own motion v. State of Punjab and another's case (supra) with all such modifications as are necessary by context. It was made clear that State of Punjab and Municipal Corporation, Ludhiana referred in the decision in Court on its own motion v. State of Punjab and another (supra) be read as State of Haryana and Municipal Council, Ambala City in Rajan Goel's case (supra).

**For Subsequent orders see CWP-15018-2016 Decided by HON'BLE MR. JUSTICE S.S. SARON;
HON'BLE MR. JUSTICE DARSHAN SINGH**



CWP No.4554 of 2016 (O & M)

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Therefore, it would be just and expedient that the directions issued by this Court in Court on its own motion v. State of Punjab and another's case (supra) in para No.11 as reproduced above, be made applicable for Municipal Corporation, Faridabad as well. It is made clear that State of Punjab and Municipal Corporation, Ludhiana shall in the present case be read as State of Haryana and Municipal Corporation, Faridabad. The petitioner, if so advised, may avail his statutory remedy in terms of Section 408-A of the Act and the judgments referred to above.

Learned counsel for the petitioner submits that in view of the position that has been delineated above, he does not press the petition for the present and he may be allowed to seek his other remedies in accordance with law.

The writ petition is accordingly dismissed as withdrawn.

The petitioner, if so advised, may avail his other remedies in accordance with law.

(S.S. SARON)
JUDGE

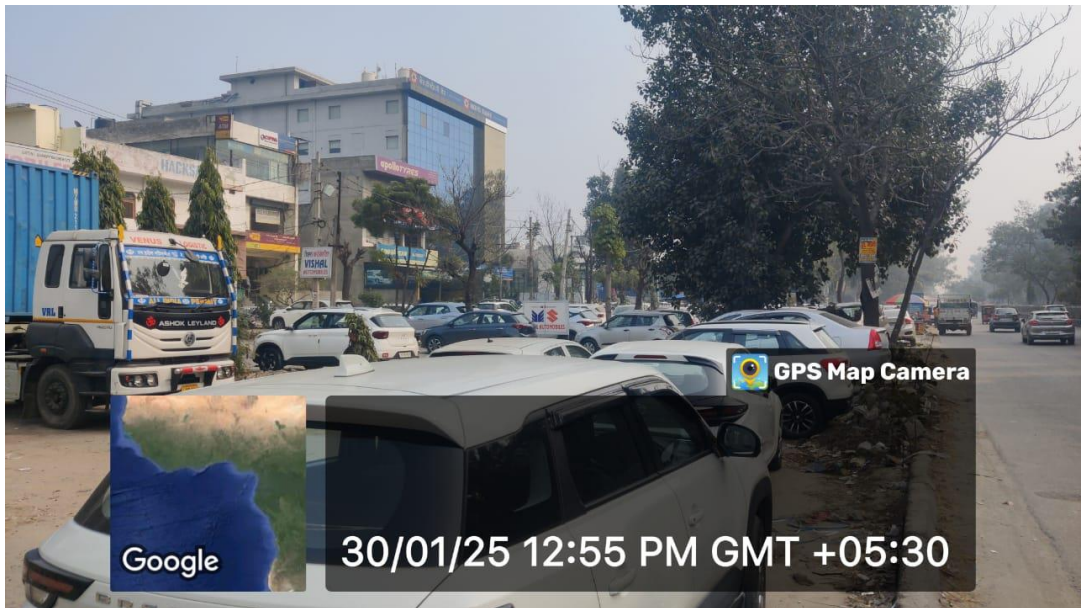
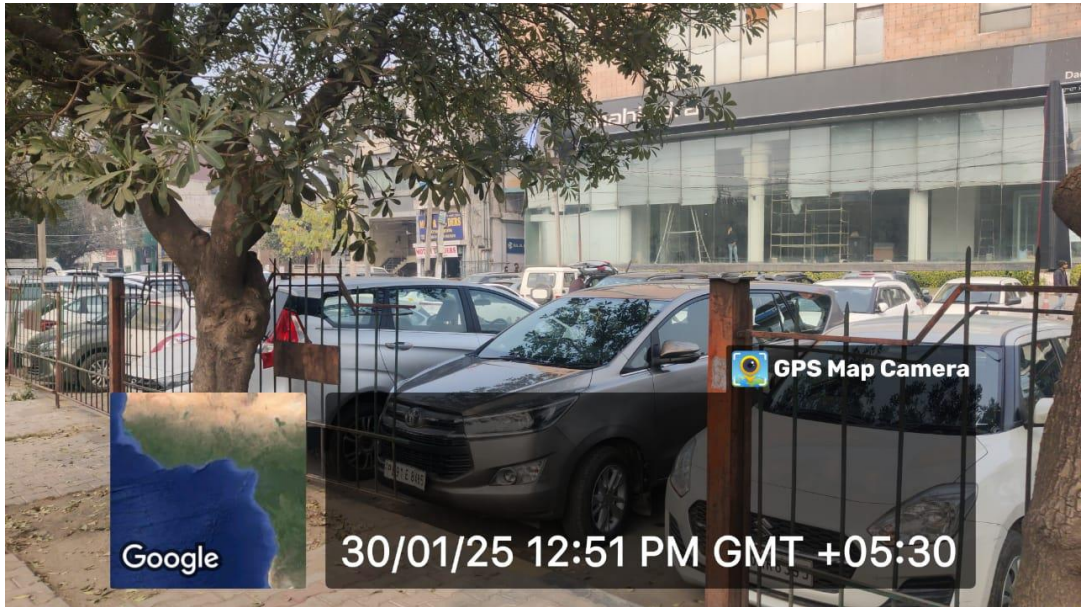
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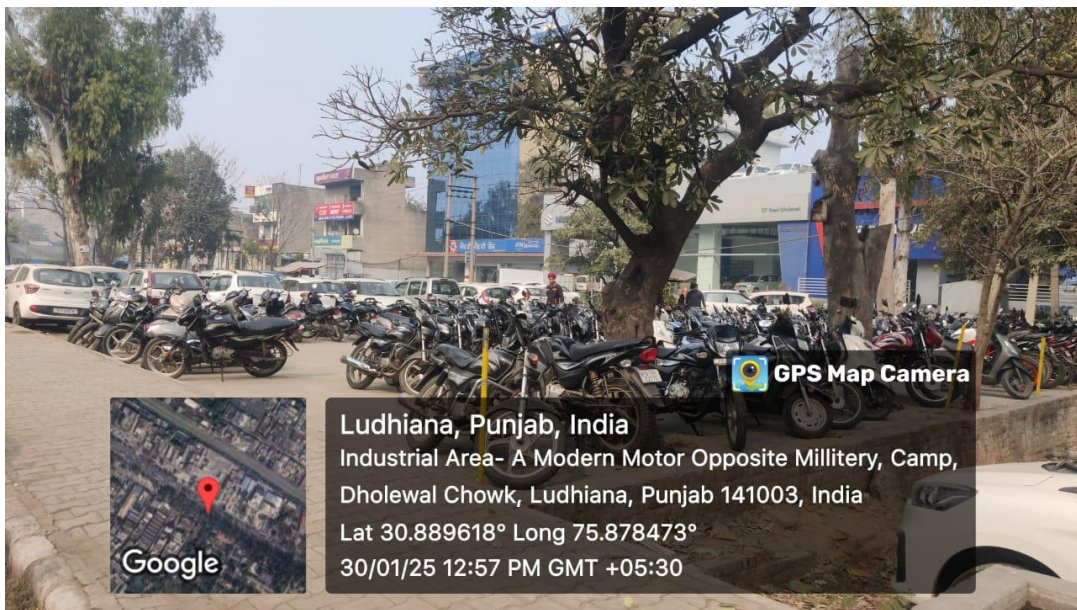
(LISA GILL)
JUDGE

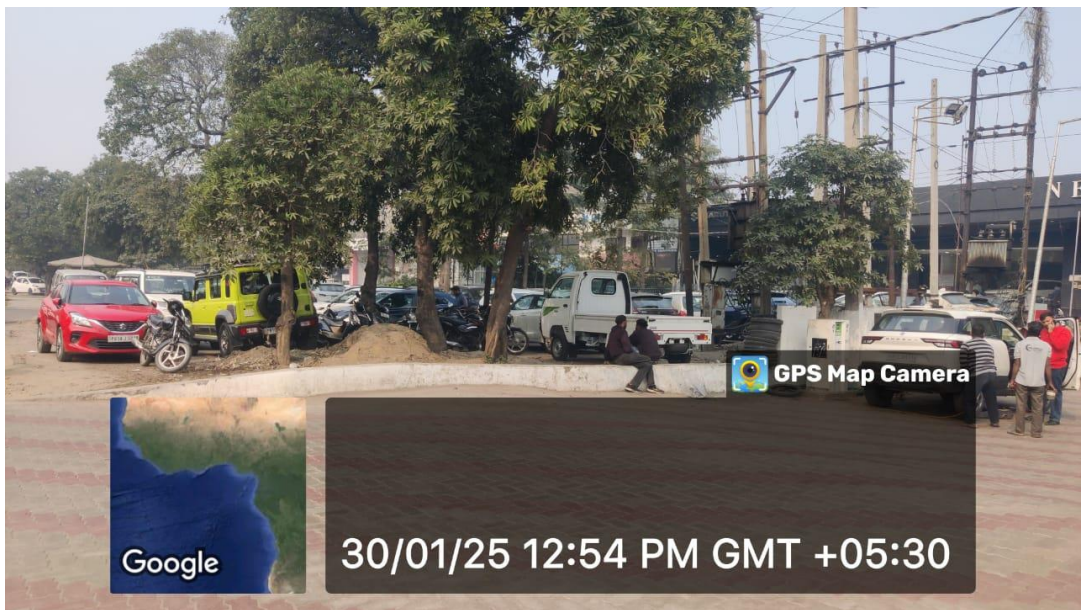
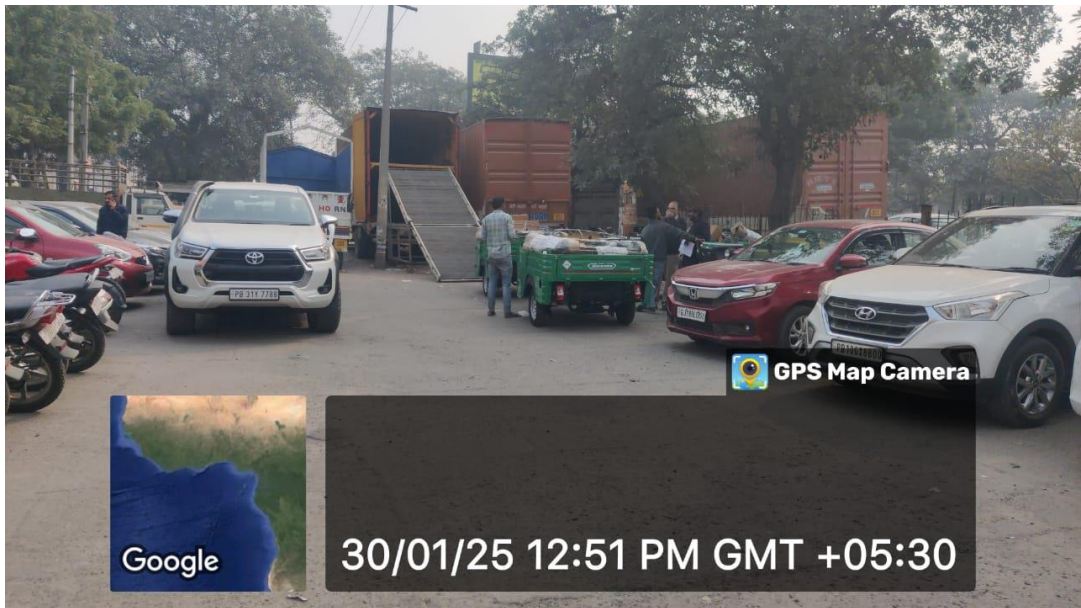
Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : Yes









**Government of Punjab
Department of School Education**

To

All DEOs
All School Heads
In the State of Punjab
(through Website)

Memo No. DySPD (PEDB)/2019/190122
Dated: 05/07/2019

1.0 It has come to the notice of the Department that the private schools at times do not adhere to the instructions issued by the Department of Transport as per the Transport Policy.

2.0 These violations interalia include the condition of the bus, qualification of the Driver and Conductor. As a result it is difficult to ensure the security of the students travelling and commuting through these buses. A copy of the policy issued by Department of Transport 07.11.2013 is enclosed herewith.

3.0 You are requested to ensure that these guidelines are complied with by all the private schools in your district.


Secretary School Education
Punjab

GOVERNMENT OF PUNJAB
DEPARTMENT OF TRANSPORT
(TRANSPORT-2 BRANCH)

ORDER

Whereas as per direction given by the Hon'ble Punjab and Haryana High Court, the Government of Punjab is of the opinion to ensure safe transportation of school children as well as the road safety for school buses and to provide sufficient transportation to the school going children, it is necessary to formulate a transportation scheme for school going children. Therefore, the scheme namely 'Safe School Vahan Scheme' is hereby formulated as under:

- Safe School Vahan Scheme
- (A) Safe School Vahan ("Educational Institution Bus")
 - (B) Safe School Vahan (Four Seater Huro IV Motor Cab) for the Urban & Rural Schools.
 - (C) Safe School Vahan (for rural Government schools)

(A) Safe School Vahan ("Education institution bus")

As per the Motor Vehicle Act 1988 the "Education institution bus" means an omnibus, which is owned by a college, schools or other educational institutions and used solely for the purpose of transporting students or staff of the educational institutions in connection with any of its activities.

Here "Omnibus" means any motor vehicle constructed or adapted to carry more than six persons excluding the driver. Presently all such vehicles are being issued a Private Service Vehicle Permit.

It is relevant to mention here that the majority of accidents involving the school buses happens due to the unsafe bus body fabrication and the failure of the educational institutions to adopt comprehensive periodical preventive maintenance procedure and due to the lack of driving skills among the bus drivers. An Automotive Industry Standard Committee (AIS) constituted by Govt. Of India, as giving importance to the safety of school children, drafted specific requirements for school buses, which would become necessary adjunct to the "code of practice for bus body design and approval -

AIS - 052". The AIS-063-requirement for school buses has laid down special requirements for school buses over and above the requirements laid down for buses in "code of practice for bus body design and approval - AIS - 052". Though, AIS - 052 is still not being implemented due to the objections from stake holders. However, due to the urgency for safe school transportation shown in the Hon'bl High Court interim order dated 19-07-2013, there is a need to adopt and implement AIS-063-requirement for school buses. Therefore, the requirements laid down in AIS-063-requirement for school buses are proposed to be made mandatory for the approval of a School Bus Body design, under rule 39 of Punjab Motor Vehicles Rules 1989, on a bus chassis for operation in the State of Punjab.

AIS-063-requirement for school buses

1.0 SCOPE :

This standard will apply to M2 and M3 category of vehicles with a seating capacity of 13 passengers and above excluding driver meant for school bus application. These additional requirements are applicable for buses used for transporting children to and from school, which is henceforth, referred to as "School Bus". These additional requirements are being laid down for the following reasons:-

- (i) To maximize safety and minimize severity of injuries.
- (ii) To take care of specific needs related to school going children.

2.0 DEFINITIONS :

For the purposes of this standard the following definitions shall apply.

2.1 'Stop signal arm' is a device that can be extended outward from the side of school bus, to provide a signal to other motorists not to pass the bus because it has stopped to load or discharge passengers.

2.2 'Speed governor' is a device used to limit the speed of a school bus.

2.3 'Retracting step' is a step used for entry into bus, but when not in use can be retracted inward and upward to enable normal operation of the bus.

2.4 'School bus insignia' is the symbol to be imprinted on the bus. This is used internationally as a symbol for child safety (Refer Figure 1)

3.0 REQUIREMENTS :

3.1 Identification :

3.1.1 All school buses must have an external colour of 'Golden Yellow'. This colour shall be as per IS 5 - 1994 (as amended from time to time) For school identification, a band of 150mm wide of 'Golden Brown' colour may be provided on all sides of the bus below the window level.

3.1.2 The 'school bus insignia' shall have a dimension of 350 x 350 mm and a back drop of golden yellow colour with the symbol in black colour. The template drawn to 1:2 scale is shown in Figure 1. This shall be provided on the outer surface of the bus in a visible location preferably above the windscreen safety glass in the front and above the safety glass at the rear.

3.2 Emergency Exits :

3.2.1 Position and Number of Emergency Exits : All school buses shall have an emergency door on rear half of the bus on the right hand side. In addition, there shall be an emergency exit on the rear side of the bus. The lower edge of the emergency door shall be at the level of the bus floor and top edge shall be at the level of window upper edge.

3.2.2 Passenger Safety : Whenever the bus passenger door or the emergency door or rear emergency exit opens, the bus should be incapable of motion. Besides this the driver of the bus must get the indication of the same through a flashing light or buzzer or suitable means. The emergency doors shall be kept closed in the normal condition and children should also be trained to operate these doors.

3.3 Vehicle Entry :

The lowest footstep height shall not be more than 220 mm from the ground and the vehicle shall be incapable of motion without folding or retracting the steps.

3.4 Seat Design :

3.4.1 Interior Protection :

3.4.1.1 All parts in 'Critical Safety Zone' shall have a radius of not less than 25mm. Alternatively its shore hardness shall not be more than 20 Shore A hardness.

Note: Critical safety zone is the vertical plane of height 400mm and width 300mm. The lower edge of rectangle is at height of 200mm from seat top and centralized about each passenger body axis. (Refer Figure 2)

3.4.1.2 All parts in gangway up to height of 1200 mm from bus floor shall have a radius not less than 25mm. Alternatively its shore hardness shall not be more than 20 Shore A hardness.

3.4.2 Storage Racks :

3.4.2.1 Storage racks to be provided beneath all seats, except the driver seat, co-driver seat and the last row of seats.

3.4.2.2 Storage rack to be of dimensions not less than 350 mm depth, 500 mm width and clearance height of 300 mm to store the belongings of school children such as school bags, lunch box and water bottles.

3.4.3. Seat Lay out : All seats should be forward facing except in the case of seats facing the passenger step well, which should not face the door. Alternatively a partition which prevents the child from falling into the step well shall be provided.

3.5 Stopping Signals :

Whenever the passenger door opens, the following 2 signals shall operate.

3.5.1 The stop signal arm should project out of the co-driver side with a minimum projection of 150 mm with the 'STOP' sign of minimum letter height of 40 mm to be installed.

3.5.2 The hazard warning shall operate automatically.

3.6 Speed Governor :

A tamper proof speed governor complying with the requirements of Rule 118 of CMV(A)R 1989, which prevents driver from speeding beyond the speed limits set by the local and State Transport Authorities, shall be provided.

Other Safety Measures

As additional steps for the safe transportation of the school children, the following measures are being proposed:-

State Level Inter Department Committee -

Hon'ble High Court in the interim order dated 28.09.2012 has observed as under:-

- It appears that there is no special cell/department, whether within the Transport Department or the Police Establishment, to deal with or to take care of matters relating to transportation of school children. It has also been brought to the notice of this court that apart from issuing challans to schools buses, no inspection is ever carried out, there is no periodical monitoring and control over school buses and overs and in essence, there is a complete lack of understanding, sensitivity or any concern on the part of the officers in matters relating to transportation of school children.

Further in reference to Union Territory of Chandigarh, Hon'ble High Court in the interim order dated 01.02.2013 has observed as under:-

- The endeavour by the Union Territory, Chandigarh to provide subsidised transport for children studying in government schools is laudable.

A perusal of reports, appearing in media, appear to suggest that there is a degree of confusion in the Chandigarh Administration with respect to enforcement of norms relating to school buses. Apparently, there are four departments, all working at cross purposes namely; office of the DPI, the State Transport Authority, the Police Department and the schools themselves. The Secretary, Education shall convene a meeting of these authorities and shall ensure that a single authority is conferred with powers to enforce norms prepared by the Chandigarh Administration, relating to safety parameters, and all other matters pertaining to transportation of school children.

In view of these interim orders, a State Level Inter Departmental Committee is hereby constituted under the Chairmanship of Secretary, Education comprising members from the Department of Police, Department of Transport and Department of Local Government. This Committee shall be a single authority conferred with the powers to formulate and enforce norms prepared for the safety of the school buses.

District Level Inter Departmental Committee -

A Committee under the Chairmanship of Sub-Divisional Magistrate comprising District Transport Officer, District Education Officer, Superintendent of Police (Traffic), Executive Officer (Municipal Corporation or Municipal Committee), Assistant Mechanical Engineer (Punjab Roadways) is hereby constituted.

This Committee shall discuss and decide on all the issues pertaining to safety of children and their transportation for each District. This Committee shall have following functions:-

- The Committee shall meet once in each month and shall evolve an action plan to conduct inspection of school buses either in the premises of the school concerned or in such other places to ensure compliance to the provisions for school buses safety.

- The Committee shall have the powers to enforce the conditions of the permit.
- The program of inspection shall be planned in such a manner that each school bus is inspected by the Committee once in a year.

[REDACTED]

The Principal / Head Master / Head Mistress of the school shall be a school authority responsible for transportation of the school children. It shall have the following functions.

- To ensure that school buses should be painted yellow.
- To ensure "School Bus" must be written on the back and front of the bus. If it is a hired bus, "On School Duty" should be clearly indicated.
- To ensure that bus should have first aid box and fire extinguisher.
- To ensure that windows of the school bus are fitted with horizontal grills.
- To ensure that school name and school telephone numbers are written on the school bus.
- To ensure that doors of the school bus are fitted with reliable lock.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- To ensure that no school vehicle shall carry the children in excess than its registered seating capacity.
- To ensure that one day refresher course of First - Aid and fire extinguishing techniques is conducted twice a year.

- [REDACTED]
- [REDACTED]
- To ensure that attendant from the school in each bus is provided. (If the bus is used to transport girls the attendant should be a woman.)
 - To ensure that the driver must not have been charged for a serious offence.
 - To ensure the formation of a stretch of road outside the school prominently marked SCHOOL ZONE by introducing traffic signs, markings, zebra crossing etc.
 - Pelican Signal could be installed (where required) outside the school. These would be operated by the school authorities only during opening and closing hours to facilitate safe crossing of the children.
 - To ensure the control of vehicular speed in front of the school as maximum speed limit not to exceed 25 Kmph.
 - To ensure the traffic opposite school gate be further reduced to 10 kmph with a provision of speed breakers.
 - To ensure that the school must have their own designated land for parking areas so that the congestion caused due to traffic in front of school could be minimised.
 - To ensure that boarding and alighting from the school buses / vans should be arranged on the school side of the road so that children do not have to cross the road.
 - To ensure that the driver and attendants of the school bus should not suffer from any contagious disease.
 - To ensure no smoking or drinking of alcohol or chewing tobacco / pan masala etc.

School Level Transport Committee -

A school level transport Committee shall be constituted in the each school. This Committee shall be headed by the Principle / Head Master / Head Mistress of the school and shall consist of a police officer not below the rank of Assistant Sub-Inspector of the area

concerned, Motor Vehicle Inspector, Assistant District Education Officer and a representative from the parents - teachers Association of the school.

This Committee shall meet once in a month to discuss the matters pertaining to safe transportation of the school children and evolve suitable plan of action. It shall verify the documents relating to the school buses like certificate of school registration, certificate of fitness, certificate of insurance, permit, pollution under control certificate, driving license etc.

This Committee shall submit recommendations to the District Level Inter Departmental Committee.

(B) Safe School Vahan (Four seater Euro IV Motor Cab) for the Urban & Rural Schools.

It is relevant to mention here that Secretary to Government of India, Ministry of Urban Development vide D.O. No. K-14011/1/2013-UT-I has written a advisory to the Chief Secretaries of all States/UTs regarding taking a clue from the project "The Alwar Vahini" launched in the medium city of Alwar, Rajasthan for modernisation of Public Transport System and to provide greener, cleaner and safe mode of transport to the masses.

The salient features of this scheme are as under:-

1. Alwar Vahini is completely private funded project.
2. Due to the medium size of the town, a metro system or a BRTS would have been unviable. Even a city bus service would not have been viable due to the lack of sufficient passenger traffic spread out throughout a day. To deal with this issue, Alwar Vahini was launched in Alwar with 58 vehicles. Alwar Vahini is a passenger service of Euro IV compliant 4 wheeler Motor Cab vehicle. These vehicles were introduced to replace the old autos, tempos and vikrams.
3. Alwar Vahini project was the result of various organisations like RTO, Punjab National Bank as lead Bank, UIT Alwar

- and Bhiwadi, Deputy Registrar Co-Operative Societies with Distt. Administration playing co-ordinating role.
4. Punjab National Bank acted as lead bank to provide loans at the rate of interest 14.25% with an extended payback period of 5 years. No collateral (security pledged for the payment of loans) was taken from the applicant and the Government acted as guarantor under the CGFIT-Credit Guarantee Fund Trust of India scheme. The loans were fast-tracked and were distributed through special team set up for the purpose.
 5. District Transport Officers have been responsible for allotting the route permit to the Alwar Vahini applicants.
 6. UIT Alwar and Bhiwadi born the cost of uniforms, ID cards, group insurance and soft skills training of the drivers. It also built the support infrastructure in the form of modern bus stops, signages (graphic designs/symbols/embelms used as a means of giving directions or warnings), high mast lights, traffic signals, CCTV traffic monitoring cameras and advanced police control rooms. Manufacturers like Tata Motors and Mahindra & Mahindra gave very sizeable discounts and have also born the cost of expenditure on stickering of vehicles.
 7. Co-Operative Society was formed of all the Alwar Vahini owners so that the common benefits like insurance can be provided to the members. All the members of the society were required to undergo a compulsory medical checkup for physical fitness, eyesight etc. The office bearers of the society were contact persons so that the administrative orders can be conveyed to all the members through the co-operative.
 8. A NGO specialized in soft skills training has been engaged in training the drivers in etiquettes and driving discipline.
 9. Exchange programme was provided for the three wheeler owners.

10. A Mahila Alwar Vahini with lady drivers was launched. These vehicles were of special light red colour for easy identification.
11. Website www.alwarvahini.com was launched, so that citizens would get complete information on the routes serviced.
12. Alwar Vahini has unique number prominently displayed. This helps in easily identifying the vehicle for any traffic violations.
13. The high resolution CCTV cameras were installed for overwatch, so that highest standards of discipline are maintained.

Some of the salient features of this Safe School Vahan Scheme (Four seater Euro IV Motor Cab) for the Urban & Rural Schools are as under.

1. A Co-operative Society shall be formed of all the vehicle owners so that the common benefits like insurance can be provided to the members. All the members of the society are required to undergo a compulsory medical check up for physical fitness, eyesight etc. The office bearers of the society would be contact persons so that the administrative orders can be conveyed to all the members through the co-operative.
2. The only Four seater Euro IV Motor Cab vehicles of the various vehicle manufacturers shall be allowed to be the part of this Co-Operative Society.
3. Safe School Vahan owners may be issued the permit for a private service vehicle.
4. Fare:- As per the Government of Punjab notification No. 31/2/2011-2T2/475 dated 31-08-2012, the rate of Motor Vehicle Tax per seat per annum for a motor cab vehicle has already been fixed as Rs. 750/-. Therefore, a motor cab introduced under the safe school vahan (Four seater Euro IV

Motor Cab scheme shall also be paying a Motor Vehicle Tax per seat per annum @ Rs. 750/-, equivalent to all motor cab contract carriage vehicles including three wheeled vehicles. These safe school vahan vehicles shall be under a operational agreement with a school to transport the school children from school bus stops to the respective schools and back also. However, after fulfilling the obligations under the safe school vahan scheme, these safe school vahan shall be at liberty to operate as contract carriage vehicles for transportation of general public. It is relevant to mention here that Government vide notification No. 2/10/91-4T2/8553 dated 15.10.2010 has fixed the taxi hiring rates on kilometre basis for ordinary taxi car upto 1000 CC as Rs. 7/- per kilometre. For a maximum 6 seater vehicle, a to and fro journey upto 10 kilometers, would cost as Rs. 140/-. This journey cost for a single seat would be approximately Rs. 24 per day and for the 25 working days in a month, this journey cost would be about Rs. 600 per month. Therefore, the monthly transportation charges for a safe school vahan vehicle to transport a single child from school bus stop upto a journey of maximum 10 kilometers and back also under safe school scheme may be fixed between Rs. 400 per month to Rs. 500 per month per child. Therefore, the rate of fare will be fixed by the Government from time to time as required.

5. Safe school vahan (Four seater Euro IV Motor Cab) scheme would be a completely private funded project.
6. Safe school vahan (Four seater Euro IV Motor Cab) project shall be launched with the collective efforts various organisations like District Transport Officers, a National / State Bank as lead Bank, Urban Improvement Trusts / Municipal Corporations / Municipal Committees, Deputy Registrar Co-Operative Societies with Distt. Administration playing co-ordinating role.

7. A National / State Co-operative Bank like Punjab State Co-operative Bank Limited or any other nationalized bank may be selected to act as a lead bank to provide loans at the lower rate of interest with an extended payback period of 5 years or more and without any collateral (security pledged for the payment of loans) from the applicant. The Government may act as a guarantor under the CGFTI-Credit Guarantee Fund Trust of India scheme. These loans may be fast-tracked and must be distributed through special team of the bank set up for the purpose.
8. District Transport Officers should be responsible for allotting the route permit to the Safe school vahan (Four seated Euro IV Motor Cab) scheme project vehicles.
9. URBAN IMPROVEMENT TRUSTS/MUNICIPAL CORPORATIONS/ MUNICIPAL COMMITTEES may be given the responsibilities to bear the cost of uniforms , ID cards , group insurance and soft skills training of the drivers. It may also built the support infrastructure in the form of modern bus stops , signage (graphic designs/symbol/emblems used as a means of giving directions or warnings) , high mast lights , traffic signals, CCTV traffic monitoring cameras and advanced police control rooms. Manufacturers must be made a part of this team to give very sizeable discounts and also bear the cost of expenditure on stickering of vehicles.
10. An NGO specialized in soft skills training may be engaged in training the drivers in etiquettes and driving discipline.
11. Exchange programme may be provided for the three wheeler owners to switch over to the fuel efficient and environment friendly Euro IV compliant 4 seated vehicles under the Safe school vahan (Four seater Euro IV Motor Cab) scheme.
12. Safe school vahan (Four seater Euro IV Motor Cab) with lady drivers may be launched under safe school vahan scheme. These vehicles may be provided with some colour

scheme for easy identification from safe school vahan being driven by male driver. 1687

13.A. Website may be launched, so that citizens would get complete information on the routes serviced. 13/11/13

14. Safe school vahan (Four seater Euro IV Motor Cab) scheme may be given a unique number prominently displayed. This helps in easily identifying the vehicle for the any traffic violations.

15. The high resolution CCTV cameras may be installed on the approved routes of the safe school vahan for overwatch, so that highest standard of discipline are maintained.

(C) Safe School Vahan (for rural Government schools)

For safe, secure and reliable transportation of the rural school children, a sub-committee at District level under the chairmanship of General Manager, Punjab Roadways / Depot Manager, PRTC comprising Traffic Manager, Punjab Roadways/PRTC, Asstt. District Transport Officer, Assistant District Education Officer is constituted for the route planning and time-table formulation of state owned buses for the transportation of the rural school children. This Committee shall submit its recommendations to the District Level Inter Departmental Committee from time to time as required.

Dated, Chandigarh
the 7.11.2013

(S.S. Channy)
Principal Secretary Transport.

Ends No. 4/39/2011-2T2/120628/1 Dated: Chandigarh the 7.11.2013

A copy is forwarded to the following for information and necessary action :-

- 1) State Transport Commissionr. Punjab, Chandigarh.
- 2) Director State Transport, Punjab, Chandigarh
- 3) Manging Director, PRTC, Patiala.

Additional Secretary

GOVERNMENT OF PUNJAB
DEPARTMENT OF TRANSPORT
(TRANSPORT-2 BRANCH)

ORDER

In Compliance to the direction issued by the Hon'ble Punjab & Haryana High Court on 15.5.2015 and 27.5.2015 respectively in CWP No:6907 of 2009 the "Safe School Vahan Scheme" issued vide order endst. No 4/39/2011-2T2/120628/1 dated 07.11.2013 is hereby amended as under:

Under para 3.0 "Requirements" sub para 3.7 is inserted as under "The Service Door of the School bus shall be hydraulic type i.e. power operated and shall meet the technical & safety requirements as stated in chapter 3 of AIS-052 regarding Service Door under para 3.4.4 additional requirements for power operated service door under 3.4.4.9 and additional requirements for Automated Door under para 3.4.4.10"

Two CCTV cameras shall be installed, one each at the front and the rear of the School bus and shall be PTZ (Pan, tilt, zoom) with facility of digital Video Recorder, Monitor, Cables etc.

Dated, Chandigarh
the 20.6.2015

ANURAG AGARWAL
Secretary to Government of Punjab
Department of Transport

Endst.No.4/39/2011-2T2/52455/2 Dated Chandigarh the 11/7/2015

A copy of the above is forwarded to the following for information and necessary action:-

1. Principal Secretary Govt. of Punjab Department of Education, Chandigarh for strict compliance through the respective District Education officers/ Principals of School.
- ✓ 2. State Transport Commissioner, Punjab, Chandigarh.
3. Director State Transport, Punjab, Chandigarh.
4. Managing Director, P.R.T.C Patiala.
5. Inspector General of Police (Traffic Wing) Punjab, Chandigarh.

Special Secretary
Transport

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in O.A. No. 793 of 2022)

AFFIDAVIT

Council of Engineers & ors. Applicants

vs.

State of Punjab & ors. Respondents

Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana for Submission regarding report of Court Commissioner in O.A. No. 793 of 2022

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

- 1. That the deponent (Petitioner No. 2) along with other petitioners has filed O.A. No. 793 of 2022 before this Hon'ble National Green Tribunal.
- 2. That the deponent is filing Submission from para no. 1 to 6 in regard with report dated 21-01-2025 submitted by the learned Court Commissioner.

Place: Ludhiana
Dated: 14.02.2025

Certified that the affidavit SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at the making above statement

Dehmo
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

196
14-02-2025

Place: Ludhiana
Dated: 14.02.2025

ATTESTED AS IDENTIFIED

Dehmo
DEPONENT

NOTARY PUBLIC
LUDHIANA (PB)

14 FEB 2025



I know the Deponent/Executants personally and he/she has Signed/Thumb Impression in my presence.

814



Kapil Arora <aroraengineers@gmail.com>

Service of document in O.A. No. 793 of 2022

Arora Engineers <aroraengineers@gmail.com> Sun, Feb 16, 2025 at 11:53 AM
To: secy.lg@punjab.gov.in, dc.ldh@punjab.gov.in, commissionerml@gmail.com,
ldh_it_2009@yahoo.co.in, Lodhclub.ldh@gmail.com, info@sacredheartschoolludhiana.com,
amit.shukla@lexweb.in

Dear sir

PFA submission by Applicant in O.A. 793 of 2022 as Service of Documents.

Regards

Er. Kapil Dev
Applicant No. 2
in O.A. 793 of 2022
Mob. 9872007872

 **Submission by Applicant No. 2 in O.A. 793 of 2022.pdf**
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