

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Hybrid Mode)

Original Application No. 202/2023
(I.A. No. 475/2023)

(With report dated 01.07.2023)

Gaurav Sharma

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 03.07.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Jasmine Damkewala, Advocate

Respondents: Dr. Nishant Sharma, Assistant Professor, AIIMS
Mr. Narender Pal Singh, Advocate for DPCC
Ms. Puja Kalra, Advocate for Municipal Corporation of Delhi
Mr. Divya Prakash Pande, Advocate for NDMC

ORDER

The Issue

1. Grievance in this application is against failure of the statutory and administrative authorities to control air pollution in and around premier healthcare institutions to the detriment of health of indoor and OPD patients, their attendants, doctors and staff.

2. In the context of All India Institute of Medical Sciences (AIIMS), Delhi, the applicant has pointed out that there are sources of pollution inside as well as outside the AIIMS Campus which need to be adequately addressed. Such sources include vehicles, hawkers and encroachers, apart from inadequacy of plantations to absorb dust and carbon dioxide. Footfall in AIIMS is said to be 65000 persons per day and number of vehicles entering the complex is said to be 7500 per day. It is stated that even healthy persons visiting such environment can suffer in health unless

suitable measures are taken expeditiously. It is pointed out that in Delhi generally air quality is beyond norms. It remains mostly above 'poor' category. This requires special care of control of pollution in and around healthcare facilities.

Procedural History

3. Vide order dated 17.03.2023, considering the grievance, the Tribunal constituted an independent expert Committee to undertake visit to the site, interact with stakeholders and identify remedial measures. The Committee was to be headed by Member Secretary, CPCB with other members being DCP (Traffic), area DFO, MCD, DPCC and Director, AIIMS or his nominee and a nominee of Vardhman Mahavir Medical College & Safdarjung Hospital.

Report of the Joint Committee filed on 1.7.2023

4. In pursuance of above, the joint Committee has visited the site, interacted with the stake holders, compiled data, deliberated upon the issue and filed its report on 01.07.2023. The report gives details of deliberations in different meetings and of study got conducted by School of Planning and Architecture (SPA), New Delhi in association with AIIMS. The study covered the AIIMS premises and buffer of 500 meters from its boundary. The study considered traffic congestion around AIIMS, road conditions, speed of vehicles, traffic composition and volume at relevant locations and also the environment conditions at entry and exit gates of AIIMS. The report finds that there are encroachments on right of way and green belt. Hotspot analysis has also been carried out. The Committee has also made recommendations for short-term and long-term measures required to be taken with reference to the identified points. Some extracts and the recommendations in the report are quoted below:

“3. Survey Findings: Present Scenario

A detailed field survey/ study in and around AIIMS was undertaken by School of Planning and Architecture (SPA) in association with representatives from AIIMS and other concerned departments. Videography was also conducted during different time slots for capturing the area activities and encroachment scenario.

The AIIMS premises and a buffer of 500m from the AIIMS boundary wall were considered as the study area to identify the areas of concern. Survey for traffic congestion, encroachment check, road conditions etc. were conducted within the 500 m buffer zone.

3.1 Traffic Congestion

Traffic Volume Count survey was conducted on Mahatma Gandhi (MG) Road/Ring road (near Gate 2, AIIMS) and on the opposite side, on Sri Aurobindo Marg (near Foot overbridge, both sides), Gautam Nagar road-- Sudarshan Cinema Road- Gulmohar Park Road, Gate 1, gate 3, gate 6 and gate 8 of AIIMS from 6 am to 6 pm (except 12 noon to 2.30 pm) on 19th May 2023. Speed and delay survey was conducted on MG road/Ring Road, Sri Aurobindo Marg, and Gautam Nagar road-Sudarshan Cinema Road- Gulmohar Park Road between 3.30 pm and 4 pm on 19th May 2023. It was also conducted between 6.15 pm and 6.30 pm, 5th June 2023 on MG road/Ring Road and Sri Aurobindo Marg.

1. MG road/ Ring Road

Around 1.8 km of the MG road/ ring road falls within the 500 m buffer out of which about 820 m of the road abuts the northern boundary wall of AIIMS. The 1.8 km stretch has four bus stops, an underpass for taking a U-turn and a flyover. These four play a crucial role in deciding the traffic movement.

Road condition

Although, potholes or unevenness was not observed in the main MG road/ ring road stretch under study, the service roads were found to be broken and in need of repair in certain areas. The service roads also had a lot of dust accumulated on the sides that was resulting in suspension of dust particles in the air during movement of vehicles. On-street parking was observed in the service roads leaving less space for smooth vehicular movement.

Traffic Volume Survey

Nearly 51,000 vehicles were observed to cross the survey point in front of gate 2, AIIMS on the carriageway from South Extension flyover to Safdarjung hospital with nearly 32% being four wheelers and 34% being two wheelers. The highest hourly volume of traffic was observed between 8 am and 11 am and 3 pm to 6 pm again.

On the other carriageway of the ring road (from Safdarjung hospital to South Extension flyover, nearly 27,000 vehicles crossed the survey point with highest hourly traffic volume being between 11 am and 12 noon with nearly 46% of the vehicles being four wheelers and 17% being 2 wheelers.

Speed and Delay survey

A combination of road characteristics and high volume of traffic resulted in certain stretches of the MG road/ ring road (within 500 m buffer) experiencing traffic congestion. A speed and delay survey, as mentioned earlier, was conducted to determine the traffic congestion

points at two points of time, 3.30 pm (19th May 2023) and 6.30 pm (5th June 2023).

The speed limit on MG road/ring road for a car is 60 km/hr but the actual speed varied from 3.5 km/hr to 50 km/hr. The stretch from Gate 6 to Gate 2 was observed to have slow traffic movement at both points of time. The probable reason could be presence of bus stop in front of gate 2, AIIMS, at which the buses stop and then take a slight right to get back on the flyover on MG road/ring road and at the same time, some vehicles take left to go to Sri Aurobindo Marg, increasing conflict between the converging and diverging traffic.

While at 3.30 pm, smooth traffic movement was observed on the flyover in both the directions; traffic congestion was seen at 6.30 pm on the carriageway leading from South Extension flyover to Safdarjung hospital (towards Dhaula Kuan). The probable reason is again the combination of a bus stop, the traffic movement through the Safdarjung hospital gate and change in direction of traffic coming down from the AIIMS flyover; some vehicles going straight to Raj Nagar flyover while others taking a left turn towards Safdarjung Enclave.

Overall scenario:

- **Location of gate 2, bus stop**, flyover take off and the left turn towards Aurobindo Marg is leading to considerable **slowing down of traffic** in that area leading to traffic congestion, particularly during the peak hours.
- **On-street parking** is being done on the service roads resulting in lessening of effective carriage way and leading to slowing of traffic using the service road. The service road between gate 2 and gate 6 is particularly important, as vehicles wanting to enter AIIMS campus after exiting from gate 2 can use the service road since only exit is allowed from gate 2.
- The **service roads** are in poor condition with road dust that gets suspended in air during movement of vehicles.

2. Sri Aurobindo Marg

The Western boundary wall of AIIMS abuts Sri Aurobindo Marg. The 1.8 km stretch of Sri Aurobindo Marg within the 500 m buffer has a metro station (AIIMS), two at grade U-turns besides bus stops. The road sections of the stretches also vary along the length of Sri Aurobindo Marg.

Traffic Volume Survey

Nearly 29,000 vehicles were observed to cross the survey point (below the foot overbridge near gate 3, AIIMS) on the side towards IIT flyover. Out of these, about 48% were four wheelers and 22% were two wheelers. Highest traffic volume was observed from 9 am to 10 am with nearly half of the total vehicles being personal four wheelers and one – fourth being two wheelers.

A similar traffic volume was observed on the other carriageway of Sri Aurobindo Marg as well. Around 24,000 vehicles crossed the survey point from 6 am to 6 pm (except 12 noon to 2.30 pm) on 19th May 2023. Out of these, nearly 46% were four wheelers and about 25% were two wheelers with a fair share of 3 wheelers (22%) as well.

Highest traffic volume was observed from 5 pm to 6 pm followed by 9 am to 10 am. In the time period, 5 pm to 6 pm, 40% of the vehicles were personal four wheelers followed by nearly 26% of two wheelers and 21% of autorickshaws. In the time period, 9 am to 10 am, there is a change in traffic composition with 60% of the vehicles comprising personal four wheelers followed by nearly 23% of two wheelers and 24% of autorickshaws.

Speed and delay survey

Speed and delay survey was conducted on the stretch from the AIIMS flyover to Indian Oil building at 6.20 pm on 5th June 2023. It was observed that the varying width of the carriageway led to slowing of traffic resulting in congestion in the peak hours. At that time, traffic congestion was mainly observed in front of Yusuf Sarai Market. The average speed in the stretch dropped to 10 km/hour.

Overall scenario:

- The **auto-rickshaws parked near AIIMS metro station and Gate 1, AIIMS** pose a hazard for the vehicles and the pedestrians alike. The auto-rickshaws line up in two-three lanes to get passengers. This also poses a safety hazard for vehicles coming from MG road/ring road as this stretch comes up suddenly after taking a left turn from MG road/ring road. Similarly, on the other side, **the location of the green park metro station** leads to congregation of auto-rickshaws resulting in considerable **slowing of traffic**.
- **Haphazard parking of vehicles in front of Yusuf Sarai market**

3. Gautam Nagar Road- Sudarshan Cinema Road- Gulmohar Park Road

Gautam Nagar road-- Sudarshan Cinema Road- Gulmohar Park Road has a varying Right of Way ranging from 6 m to 12 m. It has median in some stretches while it is two-way traffic without median in others. The road also has extensive on-street parking. It was not clear whether the cars belonged to the residents, or they had been parked by outsiders. This further reduced the effective carriageway.

Certain structures like the location of BSES transformer also reduce the available width of the effective carriageway. There are several informal shops and street vendors operating within the Right of Way (RoW) as well. It was also observed that goods had been kept outside the shops encroaching part of the RoW.

Traffic Volume survey

Around 2100 vehicles were observed to cross the survey point (towards Sri Aurobindo Marg) from 6 am to 6 pm (barring 12 noon to 2.30 pm) on 19th May 2023. The traffic composition is very different from the MG road/ ring road and Sri Aurobindo Marg with nearly 64% of the vehicles being two wheelers and around 17% being autorickshaws. Highest traffic volume was observed between 5 pm and 6 pm (295 vehicles) followed by between 10 am and 11 am (275 vehicles).

Around 2100 vehicles were observed to cross the survey point (towards Gate 8, AIIMS) from 6 am to 6 pm (barring 12 noon to 2.30 pm) on 19th May 2023. Highest traffic volume was observed between 10 am and 11 am (269 vehicles) followed closely by 9 am to 10 am

(263 vehicles). In both the time periods, nearly 60% of the total vehicles comprised two wheelers

Speed and delay survey

The road experiences slow traffic movement throughout the day. A speed and delay survey were done on 19th May 2023 at 3.30 pm. Major reasons for the slow traffic were low capacity of the roads, use of multimodal transport with varying speed such as a car and a handcart using the same narrow roads, encroachment by informal sector and on street parking.

Overall scenario:

- The varying effective carriageway of Gautam Nagar road - Sudarshan Cinema Road- Gulmohar Park Road due to **encroachment by haphazard on-street parking, mobile vendors and informal shops** on RoW leads to the formation of bottlenecks, slowing down traffic and leading to **traffic congestion**.
- **Location of utilities such as the BSES transformer, large waste bins** also encroach into the RoW.

4. Within AIIMS Premises

There is an extensive road network within AIIMS premises providing connectivity between the various departments and the external gates. The RoW of the roads varies from 6 m to 18 m.

Traffic Volume count survey was conducted on 19th May 2023 from 6 am to 6 pm (except from 12 noon to 2.30 pm) at gate 1 (entry and exit), 3, 6 and 8 of AIIMS. While **18,011 vehicles** were observed to enter from these four gates, **14,580 vehicles** were also seen to exit from these four gates. It is a possibility that the remaining were leaving AIIMS premises from gate 2. So, it may be estimated that there are around **3431 vehicles** exiting from **gate 2** within the survey period.

It is interesting to note that 36% of the vehicles entering AIIMS premises were two wheelers followed by personal four wheelers (29%) and auto-rickshaws (26%). To calculate the probable number of vehicles entering on a Monday, that is the busiest day of the week, OPD and admission data was taken from AIIMS. A ratio was found between the OPD and admission number on a

Friday (day of the survey) and Monday. This ratio was applied to the number of vehicles counted on the survey day. As per data provided by AIIMS, on 12th May 2023, Friday, there were 10632 OPD patients and 747 patients were admitted, a total of 11,379 patients while on 15th May 2023, there were 10176 OPD patients and 918 patients, a total of 11,094 patients had visited. It was seen that Monday and Friday had similar number of patients, so one may assume that the number of vehicles will be similar on Monday as well.

i. Gate 1 (Entry)

Around 5600 vehicles entered AIIMS from gate 1 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 36% were four wheelers, 30% were two wheelers and 21% were autorickshaws. High traffic volume, nearly 57% of the total vehicles, was concentrated between 7 am and 11 am.

ii. Gate 1 (Exit)

Around 2600 vehicles left AIIMS from gate 1 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 34% were autorickshaws, 29% were personal four wheelers and 24% were two wheelers. Nearly 51% of the total vehicles were concentrated between 7 am and 12 noon.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 50% of the vehicles leaving from gate 1(exit) had entered from gate 1 and the rest had entered from gate 3.

iii. Gate 3 (Entry)

Around 5671 vehicles entered AIIMS from gate 3 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 16% were autorickshaws, 11% were personal four wheelers and 10% were personal two wheelers. The period from 6 am to 11 am was the busiest time of the day with nearly 68% of the total vehicles entering from gate 3 concentrated in the above time period.

iv. Gate 3 (Exit)

Around 2560 vehicles left AIIMS from gate 3 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 51% were two wheelers, 24% were personal four wheelers and 20% were autorickshaws. The period from 3 pm to 6 pm was the busiest time of the day with nearly 46% of the total vehicles leaving from gate 3 concentrated in the above time period.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 44% of the vehicles leaving from gate 3 (exit) had entered from the Safdarjung underpass and 26% had entered from gate 1 and 17% had entered from gate 3 itself. The rest 13% had entered from gate 6, and 8.

v. Gate 6 (Entry)

Around 4050 vehicles entered AIIMS from gate 6 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 40% were two wheelers, 28% were personal four wheelers and 24% were autorickshaws. The period from 8 am to 11 am was the busiest time of the day with nearly 53% of the total vehicles entering from gate 6 concentrated in the above time period.

vi. Gate 6 (Exit)

Around 6872 vehicles left AIIMS from gate 6 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 34% were autorickshaws, 29% were personal four wheelers and 29% were two wheelers. The period from 8 am to 12 noon was the busiest time of the day with nearly 44% of the total vehicles leaving from gate 6 concentrated in the above time period. Another peak between 3 pm and 6 pm was also observed, nearly 36% of the total vehicles leaving from gate 6 concentrated in the above time period.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 29% of the vehicles leaving gate 6 (exit) had entered from the gate 1 and 31% had entered from gate 3, 27% had entered from gate 6 itself and 11% had entered from gate 8

vii. Gate 8 (Entry)

Around 2680 vehicles entered AIIMS from gate 8 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 63% were two wheelers, 17% were personal four wheelers and 15% were autorickshaws. The period from 7 am to 11 am was the busiest time of the day with nearly 56% of

the total vehicles entering from gate 8 concentrated in the above time period.

viii. Gate 8 (Exit)

Around 2500 vehicles left AIIMS premises from gate 8 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 64% were two wheelers, 17% were personal four wheelers and 14% were autorickshaws. The period from 3 pm to 6 pm was the busiest time of the day with nearly 48% of the total vehicles leaving from gate 8 concentrated in the above time period.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly all the vehicles entering from gate 8 were also leaving from gate 8.

Speed and Delay survey

Although traffic within AIIMS premises is well managed, there are some hotspots that need to be considered. The stretch in front of the administrative block has heavy pedestrian movement along with substantial traffic movement emerging as an important vehicle-pedestrian conflict point.

Overall scenario:

- *AIIMS premises experiences heavy traffic during the day with many of the vehicles **entering from gate 1 and gate 3 and traversing the premises to exit from gate 2 or gate 6.** **Heavy unregulated vehicular movement** within the area is posing a hazard for the pedestrians as well and there is scope of improvement in terms of signages for better traffic management.*
- *There are some areas within AIIMS premises where **potential vehicular-pedestrian conflict** was observed, particularly near the **administration block and between gates 1 and 3.***

3.2 Encroachment of Right of Way

The area within the 500 m buffer of AIIMS was divided into 10 zones for studying the encroachment and various activities.

Zone A mainly comprises Yusuf Sarai, zone B has Gautam Nagar, zone C has Niti Bagh, zone D has Masjid Moth and Gulmohar park, zone E has South Extension (II). On the other side of the MG road/ Ring Road, zone F has south extension (I) and zone G has Kidwai Nagar among others. Zone H has Kidwai Nagar (W) and zone I comprises Safdarjung hospital and Ansari Nagar (west) while zone J has Green Park.

The encroachments and activities were captured through videography on 30th May 1st and 2nd June 2023 on select roads.

Encroachment on RoW were found to be of various types, primarily undesignated on-street parking, informal shops, mobile vendors etc. Encroachment on RoW reduces the effective carriageway and hampers the smooth movement of traffic leading to traffic congestion and thus more air pollution. Further, some of the informal shops and mobile vendors also cook food on site leading to the release of pollutants.

Overall scenario:

- **Food truck and food distribution event** organized for community service on the **footpath of Sri Aurobindo Marg** along the western boundary wall of AIIMS leads to vehicles stopping for partaking the food. It also leads to obstruction of pedestrian movement.
- **Extensive illegal on-street parking** is present on **most of the collector and local roads** in the area within 500 m buffer. These are unregulated and often haphazard. While four wheelers were found in most of these parking sites, **LCVs** were specifically observed in the residential areas of **Gautam Nagar, Masjid Moth and South Extension**.
- **Presence of Informal shops and mobile vendors** in the RoW of collector and local roads of most of the residential areas, particularly in **Gautam Nagar, Yusuf Sarai, and Masjid Moth**.
- **Encroachment by formal shops** by keeping their goods outside their shops.

3.3 Green Belt

The vegetative cover at the AIIMS Campus is mainly in the form of trees along the boundary of the institution, along Aurobindo Marg, M.G. Road, Gautam Nagar Road and on the eastern periphery. Within the campus there are roadside plantations with trees and shrubs. Greenery is also present on the form of open spaces, such as lawns in front of Administration Building and open spaces near the residential areas. The trees are mainly mature and a mix of evergreen, semi deciduous and deciduous.

3.4 Other Activities

Other activities that could be of concern in the surrounding area have also been studied and mapped. These activities mainly include restaurants, construction activities and solid waste dumping.

The encroachment due to restaurants, construction activities and solid waste dumping may be seen in the images filed in the report.

4. Hotspot Analysis

A GIS based hotspot analysis was carried out overlaying all the activity and encroachment layers

It is observed that the areas south and south east of AIIMS Campus have major concentration of activities, parking and encroachment and need to be addressed as a priority for managing parking and informal activities.

5. Recommendations

Based on the status of the present issues and the actions being undertaken by various concerned departments, the issue-specific recommendations of the Joint Committee are tabulated below:

S. No.	Aspect	Issue	Short-term measures	Long-term measures	Concerned departments/ organizations
A. Traffic Management outside AIIMS					
1.	Traffic Congestion on high traffic volume roads-MG Road and Aurobindo Marg	<p>1. Encroachments by hawkers, vendors, shops, etc.</p> <p>2. Preferred use of Pedestrian crossing available in front of AIIMS by public over Foot over bridge and subway due to encroachment and lack of cleanliness</p>	<p>1. Removal of encroachments from MG Road and Aurobindo Marg in the stretch up to 500 meters from the periphery of the AIIMS campus.</p> <p>2. Provision of permanent vending areas in few locations to prevent their spreading into entire area may be made by DDA and NDMC.</p> <p>3. Subway and foot over bridge outside AIIMS to be free from all encroachment (including squatters). Delhi Traffic Police and AIIMS traffic committee to conduct random drives to promote use of foot over bridge or subway for crossing the busy road</p>	<p>1. Traffic circulation plan indicating vehicular movement, pedestrian crossings, and parking for an area up to 500 meters from the periphery of the AIIMS campus</p> <p>2. NDMC shall select the AIIMS stretch to be part of the smart street-scaping project, so that the issue of encroachments and hawkers is permanently solved</p>	Delhi Traffic Police, PWD, NDMC, AIIMS Traffic Committee and Delhi Police
2.		Increase in the number of Vehicles including taxis and auto rickshaws parked outside of AIIMS on Aurobindo marg stretch	Vehicles to be challaned regularly for unauthorised parking in and around AIIMS. Monitoring system to be introduced by concerned agency along with fixing accountability		Delhi Traffic Police
3.		Parking of unauthorised vehicles	Regular challaning and towing of unauthorised vehicles parked around the campus. The roads outside AIIMS Gate Nos. 1,2,3 & 6 and area in between, till a	Traffic Police to Explore the feasibility of a dedicated ambulance corridor from South extension to Yusuf Sarai through a study with an expert institute/agency	Delhi Traffic Police

			distance of at least 500m, to be declared as "Zero Tolerance Zone" Monitoring system to be introduced by concerned agency along with fixing accountability	within 08 weeks to ensure faster access of emergency vehicles.	
4.	Obstruction & Congestion at Gates	Ambulances are parked outside AIIMS gates on Aurobindo marg stretch which causes traffic congestion.	Possibility of designating parking space for private ambulances outside Gate Bo. 2 in the service lane along the Ring Road or any other suitable place may be explored by Traffic Police, in consultation with SPA/expert institute/agency within 04 weeks		Delhi Traffic Police
5.		No system of entry and exit of vehicles from designated gates	<ol style="list-style-type: none"> 1. Gate No.1 of AIIMS on Aurobindo Marg may be exclusively used for entry and the exit could be from Gate Nos. 2 & 3 2. Traffic Police and NDMC to explore the possibility of shifting the prepaid Booth of TSR situated outside Gate No. 1 of AIIMS in the service lane near Gate No. 2 of AIIMS or other suitable location within 04 weeks. 		AIIMS Traffic Police, NDMC
6.	Slowing of Speed of Traffic	Slowing down of vehicles on ring road near Gate 2 due to encroachments and bus stop location	<ol style="list-style-type: none"> 1. Removal of vendors, hawkers and other encroachments in a distance of 500m around Gate 2 2. Provision of permanent vending areas in few locations to prevent their spreading into entire area may be made by DDA and NDMC. 	Transport Department in consultation with NDMC and traffic Police may explore the feasibility of Shifting of Bus stop within 04 weeks	Transport Department, Delhi Traffic Police, PWD, NDMC, AIIMS Traffic Committee and Delhi Police

7.		Slowing down of Vehicles along Yusuf Sarai and Gautam Nagar due to encroachments	Reorganization of Hawkers, vendors, small shops, etc. to designated spaces, removal of abutments into road right of way, especially the <u>BSES transformer</u>	Provision of permanent vending areas in few locations to prevent their spreading into entire area may be made by DDA and NDMC.	DDA and NDMC
8.	Road Condition	The service road from Gate No.2 to Aurobindo Marg is not in good condition and a lot of dust is accumulated. Road condition in certain stretches in Yusuf Sarai, Gautam Nagar and other surrounding areas also require maintenance	The service roads around AIIMS periphery and major roads in Yusuf Sarai, Gautam Nagar and surrounding residential areas (within 500m of AIIMS) need to be repaired and recarpeted to prevent built up of dust	Routine maintenance of road, footpaths, and other paved areas by PWD and NDMC.	PWD, NDMC
<u>B. Traffic Management inside ARMS</u>					
1.	Vehicular Congestion	<ol style="list-style-type: none"> 1. Vehicular congestion at entry gates of AIIMS. 2. Parking of vehicles, taxis and auto rickshaws at undesignated places inside AIIMS. 	<ol style="list-style-type: none"> 1. AIIMS to continue implementation of measures to curb unauthorized entry of vehicles into the campus and ensure smooth vehicular movement within the campus 2. The Security Department to regularly clear all internal roads to avoid congestion by ensuring 	<ol style="list-style-type: none"> 1. AIIMS also plans to ban all petrol and diesel vehicles within the campus in near future, except for emergency and patient transportation. 2. It is planning to procure 200 electric 	AIIMS

2.		3. Increase in the number of vehicular traffic entering AIIMS	all vehicles are parked in designated parking areas only. 3. Monitoring system to be introduced along with fixing accountability	vehicles for transportation of staff and patients. 3. AIIMS will provide shuttle service through electric vehicles to major alighting points of public transport such as bus stops and metro stations.	AIIMS
3.	Slowing of Speed of Traffic	Slowing of Speed of Traffic at Stretches within the campus	1. Removal of abutments in road Right of Way 2. Signages need to be put up with appropriate graphics to indicate 1. Entry 2. Exit 3. One way or two way 4. Parking location 5. Arrows to various Departments 6. Shuttle service pickup and drop off points with time chart 7.Public conveniences etc. These signages can be located immediately at the entrance gate and at strategic locations such as-administration building, between residential area and hospital complex etc.	Reorganization of peripheral parking to designated multilevel parking	AIIMS Traffic Committee
C. Encroachments on Right of Way					
1.	On street parking	Almost all the roads in the surrounding areas had on-street parking which included	The RW As in the adjoining colonies to issue stickers to only allow residents to park. Designated	Reorganization of peripheral parking to	Delhi Traffic Police, PWD, NDMC and ARMS

		two wheelers. four wheelers. and small and large trucks and buses in certain stretches	parking areas to be identified for outsiders	Permanent multilevel parking near Green park	Traffic Committee and DDA
2.	Encroachments (permanent)	Encroachment by permanent structure` such as shops. transformers, large trees which reduce the right of way		<p>1. Smart streetscaping can be implemented for the entire stretch from junction of MG road and Aurobindo Marg up to Yusuf Sarai market this would require accommodation pharma shops (approximately 60 in number) and other activities such as fruit shops, general merchants etc.</p> <p>2. Alternate site should be identified for relocation for the encroachment in other areas.</p>	Delhi Traffic Police, PWD, NDMC, DDA and Delhi Police
3.	Encroachments (temporary)	Encroachment by hawkers selling food, miscellaneous goods etc., and organizations distributing food mainly encroaching onto the footpaths		<p>1. Removal and relocation for hawkers, small shops, etc.</p> <p>2. NDMC to work on relocation plan for food distribution organisations at nearby government sites (DUSIB shelter) done at present outside AIIMS.</p>	Delhi Traffic Police, PWD, NDMC, DDA and Delhi Police

4.		Walk-in hawkers and sellers inside AIIMS	1. Walk-In hawkers and sellers are prohibited inside the campus. The Security Department to strictly ensure that no hawkers and sellers enter the campus. 2. Monitoring system to be introduced by concerned agency along with fixing accountability	AIIMS	
D. Green belt/Plantation					
1.	Green Belt inside AIIMS	Vegetative cover in AIIMS is mainly composed of trees along the boundary, along roads with shrubs interspersed. Lawns in front of administration block, within residential areas and other open spaces have very few trees and some shrubs	Even though the requisite area under landscaping (30% of site) may have been fulfilled the area can still accommodate some trees in the open spaces and spaces released around boundary wall after shifting of parking areas. Many areas are connected with pergolas covered by fibre glass. These can also have climbers raised on top to prevent heating of surfaces. The boundary wall can have climbers planted along sections where the space is not available for raising trees.	1. A comprehensive Landscape Development Plan needs to be prepared for the campus to address greening of campus along with water harvesting green roofs etc. 2. Further, ARMS plans to plant 10000 trees on its campuses	AIIMS Horticulture Department, Consultant for AIIMS Master Plan
2.	Green Belt outside ABMS	No Green Belt presents around the AIIMS premises.	NDMC & Forest Department will work in coordination with AIIMS for development of green belt around the campus.		NDMC, Forest Department, AIIMS
E. Other					
1.	Solid Waste management	Improper management of mobile dhalaos of 1-to- 1.5-ton capacity.	NDMC to ensure daily lifting of garbage so that there is no spillover on the roads.		NDMC
2.	Dust management at Construction sites	Many areas surrounding AIIMS have buildings being renovated and repaired and require dust control/management	Measures as per dust mitigation norms have to be followed		NDMC, DPCC

3.	Increase in the Footfall of relatives and attendants of patients	Increase in the Footfall of relatives and attendants of patients	1. Installation of Queue Management Systems 2. Promoting e-Sanjeevani platform and tele-consultation for follow-up patients 3. Slot-wise appointment and token systems	AIIMS	
4.	Open Squatting	Entire families travel for treatment of one patient and live in hospital premises, bathe, defecate and wash in open. No real accommodation available.	1. AIIMS to ensure Strict adherence to one-patient-one- attendant policy. 2. AIIMS to encourage the patients and attendants to avail waiting area facilities public facilities is in process.	The augmentation of the existing capacity of waiting areas, Vishram Sadan and public facilities is in process.	AIIMS

”

Consideration and further directions

5. We have heard learned Counsel for the applicant and for DPCC, NDMC and also representative of AIIMS, Dr. Nishant Sharma, Assistant Professor.

6. Learned Counsel for the applicant submitted that precautionary principle of environmental law requires anticipation of adverse impact on environment and mitigations measures to offset the same. Reference has been made to Vellore Citizens Forum vs. UOI, (1996) 5 SCC 647. This requires preparation of an appropriate environment management plan covering all sources of pollution in and around the campus of AIIMS and also a suitable SOP by higher authorities applicable to all major healthcare facilities with heavy footfall of patients in all District level or hospitals bigger than that which may be specified by concerned authorities. In absence of such plan or SOP, this Tribunal under section 15 of the NGT Act needs to intervene and issue appropriate directions in the interest of protection of environment and public health. It is submitted that the factual report of the joint Committee confirms need for such plan for improvement of environment in and around country's premier healthcare and research institute. Patients Welfare Committees constituted as per guidelines of the Central Government or voluntary organizations may also be involved in execution of environment management plans, if viable.

7. Representative of the AIIMS has drawn our attention to All-India Institutes of Medical Science Act, 1956 under which AIIMS has been established and declared an institution of national importance. Publication "AIIMS, New Delhi Master Plan, 2022" shows that AIIMS is providing both patient care and healthcare education. Its mandate is maintenance of high standards of medical education in the country. Apart from being well

recognized medical institute, it is reputable public hospital. It is located on 105.77 acre area in East Ansari Nagar with 32.09 acre in Masjid Moth and 14.95 acre in trauma center extension campus. It is now being redeveloped for enhancing patient care and advancing research and teaching for which a master plan has been prepared to accommodate future needs and ease of maintenance. The budget allocation for AIIMS in 2023-24 is Rs. 4134.67 crores. AIIMS representative fairly stated that AIIMS is committed to maintain cleanest environment inside the campus for protection of patients, staff and visitors and also to coordinate with the authorities for remedial measures in coordination with the concerned authorities.

8. Learned Counsel for DPCC and NDMC also fairly submitted that measures recommended by the Committee need to be urgently taken and higher authorities in Central Government need to take cognizance of the situation revealed in the report for remedial action throughout the country.

Finding and directions

9. Since there is no objection to the report of the joint Committee and we see no reason not to accept the same, we accept the report and issue directions in terms thereof. We also agree that a hospital complex being an environmentally sensitive area, an environment management plan is required not only covering the campus but also surrounding periphery. Prohibited and regulated activities need to be identified and mentioned in such plan with nodal agency for monitoring compliance and dedicated funds. This is part of right of citizens to clean environment and sustainable development principle. This is also part of fundamental duty under Article 51 A of the Constitution and obligation of the State under Article 48A.

10. Accordingly, we direct that measures suggested in the report be taken in a time bound manner.

11. With regard to measures required to be adopted outside the AIIMS campus, such as control of traffic congestion, removing encroachments, congestion at gates, speeding of vehicles, improving road conditions, control of dust and other sources of pollution, we constitute an eight member joint Committee of Traffic Police, NDMC, PWD, DDA, Delhi Police, AIIMS, CPCB and DPCC to prepare an action plan in the light of recommendations of the joint Committee and to monitor its execution in a time bound manner. Ambient air quality in and around the campus be monitored and as and when it exceeds the laid down parameters within 500 meters of the boundaries of AIIMS, regulatory measures be taken in the light of Graded Response Action Plan¹ (GRAP). Such action plan be prepared preferably by July 31, 2023. First meeting for this purpose be held by July 15, 2023. Commissioner of Police and Director AIIMS will act jointly as nodal agency for coordination and compliance. They will be free to take assistance of their choice from their respective departments. Meetings of the Committee may be held preferably in the Campus of AIIMS. Execution of the plan may be reviewed periodically, preferably once in a month for next six months. First such review meeting be held by August 31, 2023. Minutes of the meeting may be placed on the website of AIIMS.

12. With regard to measures inside AIIMS campus, such as plantations, waste management, regulation of footfall of visitors and other attendants of patients, squatting, nature of vehicles, management of patient services, parking issues, providing shuttle service, landscaping, involvement of voluntary organizations or individuals, preparation of environment management/action plan, responsibility will be of the Director AIIMS in coordination with concerned departments. Director AIIMS will be free to explore deployment of suitable security force, including CISF, if available.

¹ https://cpcb.nic.in/uploads/final_graded_table.pdf

The Director AIIMS may hold first meeting for the purpose at the earliest, preferably before July 15, 2023 and finalize action plan and place the same on the website of AIIMS by August 31, 2023. Its execution may be reviewed on monthly basis for first six months and thereafter at such intervals as may be found viable. The minutes of meetings may be placed on the website of AIIMS.

13. Individual issue with regard to AIIMS will stand disposed of in terms of paras 10 to 12 above but since there are identical issues in several other government hospitals, including Safdarjung hospital opposite AIIMS itself, it appears to be necessary to issue direction with regard to the same. In the light of situation revealed by the report of the joint Committee, environmental management inside and around such healthcare appears to be necessary in the interest of protection of right of patients, staff and other visitors to clean environment. This requires issuance of an appropriate SOP by MoEF&CC and Ministry of Health, GoI after study and due consideration of the subject.

14. Accordingly, we constitute a five-member joint Committee to be headed by Secretary, Ministry of Health, GoI with representatives of MoEF&CC, Ministry of Urban Development, GoI and Ministry of Home Affairs, not below the rank of Joint Secretary and nominee of CPCB not below the rank of Director. The Committee will be free to interact with stakeholders and obtain data of status of availability of environment management plans covering all sources of pollution in and around all Government district hospitals or larger than district hospitals including medical colleges as may be specified by the Committee. The joint Committee may meet within one month from today and finalize a questionnaire for getting specific information within one month thereafter. Considering the data collected, appropriate SOP may be finalized within

three months and placed on the website of Ministry of Health. The Committee may specify issues to be covered within the complex and outside the boundary of the healthcare facility complex upto specified periphery for regulation and control of polluting activities which may be found necessary to offset adverse impact on environment.

15. An action taken report in the matter may be filed with the Registrar General of this Tribunal by Secretary, Health, GoI and Commissioner of Police, Delhi within four months from today by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the Registrar General, NGT may place the matter before the bench for further directions.

Subject to above, the application is disposed of.

I.A. No. 475/2023 will also stand disposed of.

A copy of this order be forwarded to the Secretary, Ministry of Health, MoEF&CC, Ministry of Urban Development, Ministry of Home Affairs, CPCB, Director, AIIMS, Commissioner of Police, Delhi, DCP (Traffic), DCP (South), NDMC, PWD, DDA and DPCC by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 03, 2023
Original Application No. 202/2023
I.A. No. 475/2023
DV