

GOVT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT
5/9, UNDER HILL ROAD DELHI-110054

F.NO.DC/SCRAPPING/TPT/2024/ 12278

DATE:- 20/02/24

GUIDELINES FOR HANDLING END OF LIFE VEHICLES IN PUBLIC PLACES OF DELHI, 2024

Whereas, Supreme Court in W.P.(C) 13029/1985 (MC Mehta Vs Union of India) vide order date 29.10.2018 has directed the Transport Departments of NCR, that all Diesels vehicles more than 10 years old and petrol Vehicles more than 15 years old shall not ply in terms of orders of NGT dated 07.04.2015 passed in O.A. No. 21/2014 Vardhaman Kaushik & Ors Vs Union of India.

And whereas, the Ministry of Transport and Highways has formulated the vehicle scrapping policy that includes a system of incentives/dis-incentives for creation of ecosystem to phase out older, unfit polluting vehicles across the country and to enforce provisions of the policy, the Motor Vehicle (Registration and Functions of Vehicle Scrapping Facility) Rules,2021 for establishment of Registered Vehicles Scrapping Facility (RVSF) were notified vide GSR Notification 653 (E) dated 23.09.2021 which was amended vide GSR Notification 695(E) dated 13.09.2022."

And whereas, Hon'ble High Court of Delhi vide order dated 22.08.2023 in W.P.(C) 10749/2023 in Para 21, inter-alia directed that "*As there are several vehicles which have been seized in similar circumstances, in which the owners may be willing to give undertaking as directed by this order, GNCTD is directed to frame a policy for release of such vehicles on the aforesaid undertakings by the owners and to give due publicity to the same*".

Hence, The Govt. of NCT of Delhi considers that guidelines for impounding/Seizure/Scrapping/release (with certain conditions and penalty) of End of Life Vehicles are necessary. These guidelines are also required for effective implementation of various directions of Hon'ble National Green Tribunal and for improvement of air quality in Delhi. Further, a large number of junk vehicles are found abandoned on Public Place which needs to be disposed of in an environment friendly manner.

Therefore, the "Guidelines for Handling End of Life Vehicle in Public Place 2024" in the following manner are framed which is as under:-

1. SHORT TITLE AND APPLICATION:-

- (i) These Guidelines shall be called "Guidelines for Handling End of Life Vehicle in Public Place 2024"
- (ii) These Guidelines shall be applicable in NCT of Delhi.
- (iii) They shall come into force with effect from date of issuance.

2. IN THE GUIDELINES, UNLESS THE CONTEXT OTHERWISE REQUIRES:-

- (i) "Act" means the Motor Vehicles Act, 1988.
- (ii) "Scrapping" means the entire process from receipt and record of the End-of-Life Vehicles' including de-polluting, dismantling, segregation of material, safe disposal of non-reusable parts, and issuance of Certificate of Vehicle Scrapping to the registered owner of a motor vehicle;
- (iii) Scrapping Yard means the designated location within the premises of the Registered Vehicle Scrapping Facility where the End-of-life Vehicles are processed for further treatment including recycling;
- (iv) Registered Scrapper means a person, firm, society, trust or company owning and operating a Registered Vehicle Scrapping Facility;
- (v) "Authority" means as Officer designated by the Commissioner (Transport) for this purpose of these guidelines, not below the rank of Dy. Commissioner.
- (vi) Vehicle means a motor vehicle or vehicle as defined in clause (28) of section 2 of the Act.
- (vii) "Enforcement Agency" means Delhi Traffic Police, Municipal Corporations, New Delhi Municipal Council, CEO, Cantonment Board and Transport Department Govt. of NCT of Delhi.
- (viii) "End of life Vehicles" means all vehicles which are no longer validly registered or their registration has been cancelled under Chapter IV of the Act or due to an order of a court of Law.
- (ix) Public Place means place which includes but not limited to all the places where anyone can go anytime without any restrictions. It further includes all roads, drainages, and footpaths, Pedestrian space developed by Civic agency or works department. It includes all the land which is owned by Public and accessible to public.
- (x) Words and expression used and not defined in this guideline, but defined in the Act/rules shall have the same meanings respectively assigned to them in the Act/rules.

3. ENFORCEMENT DRIVE

- (i) The enforcement agency should conduct continuous enforcement drives for phasing out End of Life Vehicles from public places of Delhi and should send a daily report to department of Environment for onward submission to CAQM.
- (ii) End of Life Vehicles found plying or parked in public place will be impounded/Seized by the enforcement agency and shall be handed over a Seizure memo at the time of seizure as in Annexure -I
- (iii) As per Clause (vi) of sub-rule 1 under Rule 10 of RVSF rules 2021, "Vehicles impounded by an enforcement agency shall be handed over to the RVSF (registered scrapping facility), if they meet the criterion of vehicle scrapping as provided under Rule 8 which is de-registered End of Life Vehicles.

- (iv) The "Registered Scrapper" should have valid RVSF license as per Motor Vehicle (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.
- (v) As per rule 8(x) of RVSF rules, "The RVSF established in a State may accept and scrap the vehicles registered in any of the State or Union Territory under the jurisdiction of any Registration Authority." Hence, All the Registered Scrapper who have RVSF license from their respective Transport authority can be empanelled by the enforcement agency.
- (vi) Enforcement agency should ensure that there is equitable distribution/Utilization of Scrapping facilities among all the RVSFs who voluntary attach themselves with enforcement drive.
- (vii) RVSFs should ensure that they scrap the seized vehicle strictly in accordance to RVSF rules 2021.

4. RIGHT TO INSPECTION:-

- (i) In order to ensure compliance of these Guidelines, the registered Scrapper should keep office and Scrapping yard and the records and registers maintained by him and all the machinery equipment and apparatus in the premises at all reasonable time open for inspection by the Authority or authorized representative of Transport Department.
- (ii) In case of violation of guidelines and rules issued from time to time, Commissioner of Transport after doing inquiry may suspend the RVSF from taking part in enforcement drive with any of the enforcement agency in NCT of Delhi either for a definite temporary period or permanently.

5. NOC FOR DE-REGISTERED VEHICLE:-

NOC of vehicle can be taken to take the vehicle out of NCT of Delhi within 1 year of expiry of life of Vehicles OR within 3 months from the date on which this policy will come into effect whichever is later.

6. RELEASE PROCEDURE OF IMPOUNDED VEHICLES (Registered in Delhi-NCR)

Category 1: Those who wish to Shift their vehicle out of Delhi-NCR

(i) On plying and parking of ELVs in public place in NCT of Delhi, once impounded for the first time it can be released on the basis of submission of below documents:

- a) An undertaking that vehicle will not be plied or parked in any public place within the territory of NCT of Delhi and will be removed from the NCT of Delhi.
- b) A copy of the Registration Certificate of the vehicle.
- c) NOC of the vehicles to shift the vehicle outside of Delhi-NCR, in

case vehicle registered in Delhi-NCR

- d) In the case of 4-wheeler, a penalty of Rs 10,000 along with towing charge and parking fee as notified in Delhi Maintenance and Management of Parking Places Rules, 2019 (hereinafter "Parking Rules 2019"), shall be charged before releasing of such ELVs.
 - e) In the case of 2-wheeler, a penalty of Rs 5,000 along with towing charge and parking fee as notified in Parking Rules 2019 shall be charged before releasing of such ELVs.
- (ii) On submission of above document, Enforcement agency will issue releasing order based on which concerned RVSF can release the vehicle from their scrapping yard.

In case, vehicle is already outside of Delhi-NCR after seizure, it shall not be allowed to enter in Delhi-NCR and should be shifted outside of Delhi-NCR from scrapping yard itself.

Category 2: Those who wish to park their vehicle in Private space which is not shared Parking place.

- (i) On plying and parking of ELVs in public place, the vehicles impounded for the first time can be released on the basis of submission of following vehicles documents
- a) An undertaking that if the vehicle is released, it will not be plied in Delhi or parked in any public space within NCT of Delhi, and they be kept in private parking space available to the applicant and not a space in a shared parking lot, even if it is part of a residential complex. A parking space which has been allotted to the owner inside the residential complex will be considered as a private parking space.
 - b) Proof of Private Parking space within the premises of applicant is to be submitted by the applicant which can be allotment letter from the RWA or any concerned authority whichever is applicable.
 - c) A copy of Registration certificate of the vehicle.
 - d) In the case of 4-wheeler, a penalty of Rs 10,000 along with towing charge and parking fee as notified in Parking Rules 2019 shall be charged before releasing of such ELVs.
 - e) In the case of 2-wheeler, a penalty of Rs 5,000 along with towing charge and parking fee as notified in Parking Rules 2019 shall be charged before releasing of such ELVs.
- (ii) On submission of above documents, Enforcement agency will issue releasing order based on which concerned RVSF can release the vehicle from their scrapping yard. In case, vehicle is already outside of Delhi-NCR in scrapping yard, it should be transported by owner of vehicle by way of towing to the private parking space of vehicle owner.

7. PROCEDURE IN RESPECT OF VEHICLES (Registered Outside Delhi-NCR)

- (i) On plying and parking of vehicles which are diesel vehicle more than 10 years old and petrol vehicle more than 15 years old in public place, and registered outside Delhi-NCR, the following procedure should be followed:
 - a) An undertaking from the registered owner explaining the reason of presence of such vehicle which is already banned in NCT of Delhi along with the confirmation that the vehicle will not enter into the territory of NCT of Delhi.
 - b) A copy of the Registration Certificate of the vehicle.
 - c) In the case of 4-wheeler, a penalty of Rs 10,000 shall be charged.
 - d) In the case of 2-wheeler, a penalty of Rs 5,000 shall be charged.
 - e) In case the penalty amount is not paid on the spot by the vehicle owner, the first offence shall be recorded by the Transport department in the online portal, and the vehicle will be blacklisted. It will be removed only when the challan/penalty amount is paid by the vehicle owner.
- (ii) In the case of the second offence by the same vehicle, the vehicle shall be impounded and sent to the scrapping unit.

8. IMPOUNDED VEHICLE WHICH CAN NOT BE RELEASED

- (i) Any End of Life vehicle impounded for the second time.
- (ii) Transport vehicles running on diesel fuel and aged more than 10 years old.

9. SCRAPPING OF IMPOUNDED VEHICLES:

- (i) The application for releasing of vehicle along with necessary documents should be submitted within 3-weeks of impounding of vehicle, upon which enforcement agency shall give decision within one week of such submission.
- (ii) An online platform will be developed for this purpose to facilitate the process between enforcement agency, RVSFs and Vehicle owner.
- (iii) The vehicle will be scrapped in three scenarios:
 - a) Non-submission of application for release of vehicle within 3 weeks of impounding of vehicle.
 - b) Rejection of application submitted for release of vehicle to the enforcement agency.
 - c) In case of impounding of the same vehicle for the second time along with legal proceeding under the provisions of MV Act 1988, CMVR Rules 1989, DMVR Rules 1993 & its amendments and RVSF Rules 2021 & its amendments for not abiding by the undertaking.

10. SCRAP VALUE OF VEHICLES:

- (i) The scrap value for end of life vehicle would be determined as 90% of the value of ferrous scrap component of the vehicle. The standard formulae to derive the percentage of ferrous scrap in End of Life vehicles could be taken at 65% of the kerb weight of the vehicle. The rate of ferrous scrap can be taken as moving average of price of steel scrap during the last three months at the time of deciding scrap price of ELVs.
- (ii) All the scrap value shall be paid through digital mode only to the bank account in the name of Vehicle owner within 15 days of the vehicle accepted by the RVSF.
- (iii) The vehicle for which scrap value is not claimed within the period of 15 days, the scrap value shall be deposited by the concerned RVSF in government account of the enforcement agency by way of Demand Draft/RTGS/NEFT/IMPS.

11. APPLICABLE ACT/RULES:-

- (i) The Motor Vehicles Act, 1988 as amended from time to time
- (ii) Central Motor Vehicles Rules, 1989 as amended from time to time
- (iii) Delhi Motor Vehicles Rule, 1993 as amended from time to time
- (iv) Motor Vehicle (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 and its Amendment Rules, 2022.

This issue with prior approval of Hon'ble Minister (Transport), GNCTD


SPECIAL COMMISSIONER (SCRAPPING CELL)

To,

All Concerned Stakeholders

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DATE:- 20/02/24

Copy to:

1. OSD to Minister Transport, GNCTD, for information
2. OSD to Chief Secretary, GNCTD, for information
3. PS to Hon'ble Chairman CAQM, for information
4. PS to Secretary-cum-Commissioner, Transport Department, GNCTD for information
5. Spl. Commissioner of Traffic Police (HQ), Prakash Shastri Marg, Main Rd, towards, Inder Puri, New Delhi, Delhi 110012 for information and necessary action
6. Chairman, New Delhi Municipal Council (NDMC Head Office) Palika Kendra parliament Street, New Delhi-110001
7. Commissioner of MCD, Dr. S.P. Mukherjee Civic Center, JLN Marg, New Delhi-110002, for information and necessary action.
8. All Special Commissioner, Transport Department, GNCTD for information and necessary action.
9. Sr. System Analyst, Transport Department, GNCTD to upload on the official website of Transport Department, GNCTD.


SPECIAL COMMISSIONER (SCRAPPING CELL)