

ITEM NO.14

COURT NO.2

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: CROP BURNING  
BURNING OF E-WASTE IN DELHI/NCR

- 1) IA NO. 232078/2023 (APPLN. FOR INTERVENTION ON B/O MINU SINGH)
- 2) IA NO. 231822/2023 (APPLN. FOR DIRECTIONS ON B/O HARISH ARORA AND ORS.)
- 3) IA NOS. 235142, 235148 AND 235725/2023 (APPLNS. FOR INTERVENTION, PERMISSION TO APPEAR AND ARGUE IN PERSON AND TO FILE WRITTEN SUBMISSION)
- 4) IA NOS. 228781 AND 228785/2023 (APPLNS. FOR INTERVENTION AND PERMISSION TO APPEAR AND ARGUE IN PERSON)

AND

IN RE: COLOUR-CODED STICKERS

(5) IA NOS. 61328/2020, 237378/2023 AND 61330/2020 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SIDDHARTH NAYAK)

AND

IN RE: REGIONAL RAPID TRANSPORT SYSTEM  
DELHI - ALWAR AND DELHI - PANIPAT CORRIDOR

(6) IA NO. 238763/2023 (APPLN. FOR DIRECTIONS ON B/O NATIONAL CAPITAL REGION TRANSPORT CORP. LTD.)

ONLY" IN W.P.(C) NO. 13029/1985 IS LISTED.

"ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)  
MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)  
MR. A.D.N. RAO, SR. ADVOCATE (A.C.)  
MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)  
PETITIONER-IN-PERSON  
MR. G.S. MAKKER,  
MR. AMRISH KUMAR,  
MR. SANJAY KR. VISEN,  
MR. SUDEEP KUMAR,  
MS. ROOHE HINA DUA,  
MR. SANDEEP KR. JHA

MR. JYOTI MENDIRATTA,  
 MS. VRINDA BHANDARI,  
 MR. MUDIT GUPTA,  
 MR. VIKRAM GULATI, APPLICANT-IN-PERSON (ADVOCATE)  
 MR. MANISH BHATNAGAR, APPLICANT-IN-PERSON (ADVOCATE),  
 MR. ANIL KUMAR,  
 MR. KARUNAKAR MAHALIK, ADVOCATES )

Date : 13-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
 HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Ms. Aparajita Singh, Sr. Adv. (A.C.)  
 Mr. A.D.N. Rao, Sr. Adv. (A.C.)  
 Mr. Siddhartha Chowdhury, Adv. (A.C.)  
 Mr. Harish N. Salve, Sr. Adv. (A.C.) (NP)

Mr. R. Venkataramani, Ld. Attorney General  
 Ms. Aishwarya Bhati, A.S.G.  
 Mr. Gurmeet Singh Makker, AOR  
 Ms. Suhasini Sen, Adv.  
 Mr. Rajesh Kumar Singh, Adv.  
 Mr. S.S. Rebello, Adv.  
 Mr. Subhranshu Padhi, Adv.  
 Ms. Archana Pathak Dave, Adv.  
 Mr. Wasim Qadri, Adv.  
 Ms. Ruchi Kolhi, Adv.

Mrs. Aishwarya Bhati, A.S.G.  
 Mr. Amrish Kumar, AOR  
 Mrs. Suhasini Sen, Adv.  
 Mr. Rajesh Kumar Singh, Adv.  
 Mr. Shubhranshu Padhi, Adv.  
 Mrs. Archana Pathak Dave, Adv.  
 Mr. Gaurang Bhushan, Adv.

Mrs. Aishwarya Bhati, ASG  
 Ms. Alka Agrawal, Adv.  
 Ms. Baby Devi Bonia, Adv.  
 Ms. Archana Pathak Dave, Adv.  
 Mr. Anirudh Bhat, Adv.  
 Mr. Prashant Singh, Adv.  
 Ms. Sonali Jain, Adv.  
 Ms. Ruchi Kohli, Adv.  
 Mr. Raj Bahadur Yadv, AOR

Mr. Gurminder Singh Ag Punjab, Adv.  
 Mr. Shadan Farasat, A.A.G.  
 Ms. Rooh-e-hina Dua, AOR  
 Mr. Harshit Khanduja, Adv.  
 Mr. Umang Mehta, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.  
Mr. B.k. Satija, A.A.G.  
Mr. Rahul Khurana, Adv.  
Ms. Suvarna Singh, Adv.  
Mr. Aman Prasad, Adv.  
Mr. Jha Amlendu Kumar Akhilesh Kumar, Adv.  
Ms. Mohini Kumari, Adv.  
Mr. Sanjay Kr. Visen, AOR

Ms. Garima Prasad, AAG, U.P, Sr. Adv.  
Mr. Sudeep Kumar, AOR

Dr. Manish Singhvi, Sr. Adv.  
Mr. Sandeep Kumar Jha, AOR

Mr. S. Muralidhar, Sr. Adv.  
Mrs. Meenakshi Arora, Sr. Adv.  
Ms. Jyoti Mendiratta, AOR

Ms. Vrinda Bhandari, AOR

Mr. Vikas Singh, Sr. Adv.  
Mr. Mudit Gupta , AOR  
Mr. Varun Singh, Adv.  
Ms. Deepeika Kalia, Adv.  
Ms. Kajal S Gupta, Adv.  
Ms. Somesa Gupta, Adv.  
Mr. Keshav Khandelwal, Adv.  
Ms. Vaishnavi, Adv.

Mr. Vikram Gulati, Applicant-In-Person

Mr. Manish Bhatnagar, Applicant-In-Person

Mr. Vipin Sanghi, Sr. Adv.  
Mr. Anil Kumar, AOR  
Mr. Saif Ali, Adv.  
Ms. Pratiksha Chaturvedi, Adv.  
Mr. Shubhendu Shukla, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.  
Mr. Rajesh Katyal, Adv.  
Mr. Devendra Kumar Singh, Adv.  
Mr. S.S. Rebello, Adv.  
Ms. Deepti A., Adv.  
Mr. Arzu Paul, Adv.  
Ms. Manisha Gupta, Adv.  
Mr. Siddhant Gupta, Adv.  
Mr. Rishikesh Gupta, Adv.  
Mr. Karunakar Mahalik, AOR

Mr. Avijit Mani Tripathi, AOR

Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

IA NO. 238763/2023

Mr. S. Murlidhar, learned senior counsel sought to raise an issue that while the State Government has made the budgetary provision for Delhi-Alwar And Delhi- Panipat Corridor, they were awaiting approval of the Central Government. We may note that the other States have already transferred the money in 2019 and 2020 and learned Attorney General present on behalf of the Union Government submits that there is no problem insofar as the formal approval is concerned. We thus grant 7 days' time to Delhi Government to transfer the amount.

Needless to say that the Delhi Government would continue to abide by the schedule and not give opportunity to this Court to revive the order dated 21.11.2023.

IN RE: CROP BURNING

Affidavit dated 06.12.2023 filed by the State of Punjab shows that the environmental compensation recorded as on that date is 53.10%. The recoveries must be speeded up. An endeavour has been made in

para 3 to submit that farm fires between 15.09.2023 to 30.11.2023 have been less in 2023. Point is still farm fires are significant and all this must stop.

Learned Attorney General has submitted a note on behalf of the Union of India qua the steps to be taken and places the minutes of the meeting of the Committee of Secretaries chaired by the Cabinet Secretary for reviewing the air quality management in Delhi.

Five meetings have been held to crystallize the issue. Learned Attorney General in para 3 of the report has set out the steps to be taken by the Government of Haryana and Punjab. The same are as under:

"a. Actions to be taken by State Governments of Haryana and Punjab: It is respectfully submitted that the State Governments may take the following steps and report compliance to this Hon'ble Court of the same:

i. To effectively implement the existing centrally sponsored Schemes for in-situ/ex-situ management of crop residue on a mission mode. They may provide additional incentives as required.

ii. Government of Punjab may devise and implement various incentives schemes on the lines already implemented by the State of Haryana for reducing stubble burning.

iii. The Departments of Agriculture & Farmers Welfare of the State Governments may consider inclusion of ex-situ management components in CRM scheme.

iv. The States may ensure that Environment Compensation is levied and realized in all stubble burning cases as identified through ISRO protocol.

v. The States may take immediate steps to put in

place mechanisms for making RED entry in farm records for all cases of stubble burning identified through ISRO protocol. Department of Food and Public Distribution may consider the suggestion to exclude the farmers who resort to stubble burning from MSP operations.

vi. Additionally, with respect to the MSP it is respectfully submitted that the Government of India fixes MSP for 22 mandated agricultural crops on the expert and technical recommendations of the Commission on Agricultural Costs and Prices (The "CACP"), after considering the views of the concerned State Governments and Central Ministries/Departments. The CACP considers various factors viz. cost of production, overall demand-supply situations of various crops in domestic and world markets, domestic and international prices, inter-crop price parity, terms of trade between agriculture and non agriculture sector, likely effect of price policy on rest of economy and a minimum of 50 percent as the margin over cost of production Cost of production includes all paid out costs - such as hired human labour, bullock labour/machine labour, rent for leased in land, expenses incurred in cash/kind on the use of material inputs like seeds, fertilizers, manures, irrigation charges, depreciation on implements and farm buildings, interest on working capital, diesel/electricity for operation of pump sets etc., miscellaneous expenses and imputed value of family labour. The MSP fixed provides at least 50% return over all India weighted average cost of production. These benefits of the MSP are available to the farmers all across the country. It respectfully submitted that is not appropriate to raise the price of crops simply to make them competitive with rice. This will result in a complete distortion of market prices and cannot be resorted to for any one State.

b. Action to be taken by the Government of Punjab:

- To devise and implement incentive schemes for diversification from paddy and work with grain-based distilleries to facilitate Procurement of maize from farmers. It is respectfully submitted that the State Government of Punjab may report compliance to this Hon'ble Court on these aspects in addition to those set out above."

We direct the State Governments to take steps in

respect of the aforesaid and submit a report to this Court within two months from today. There are other aspects also in the report whereby steps are to be taken by different authorities which are reproduced hereunder:

"c. Inter-Ministerial Committee with special Secretary, Ministry of Agriculture and Farmers Welfare, Ministry of Power, Ministry of New & Renewable Energy (MNRE), Ministry of Petroleum & Natural Gas, Ministry of Environment Forests & Climate Change, Commission for Air Quality Management and the Central Pollution Control Board:

i. To regularly monitor the effective time bound implementation of the various schemes for management of paddy straw in a convergent and synergistic manner.

ii. State Governments should take all necessary actions to ensure that these schemes are fully implemented on ground.

iii. The Inter-Ministerial Committee may hold regular review meetings with State Governments in Delhi and may also visit States for effective monitoring and timely resolution of any issues.

d. Ministry of Power:

- To ensure that all Thermal Power Plants (TPPs) within range of 300 km of Delhi and all captive TPPs implement the CAQM direction for co-firing minimum 5% of biomass along with coal.

e. Ministry Of Petroleum and Natural Gas (MoPNG):

- To encourage private entrepreneurs to set up more CBG plants in Punjab and Haryana under its scheme for setting up CBG plants.

f. CAQM:

- Apart from the regular coordination meetings and actions being taken by CAQM, follow up action on decisions taken in CoS meetings pertaining to CAQM may also be actively pursued by CAQM.

g. Urban Local Bodies in NCR like MCD,NDMC,NOIDA etc.:

i. To ensure strict enforcement of guidelines related to construction activities round the year and submit periodic compliance report in this regard to CAQM.

ii. CAQM to monitor action taken regularly.

h. Action to be taken by the GNCTD and NCR States for better implementation of the Graded Response Action Plan ("GRAP"): It is submitted that the GNCTD may take urgent and effective steps to address the following lacunae noted in the implementation of the various stages of GRAP as and when the said stages are in force:

i. Overaged / EOL vehicles (10 year old diesel/ 15 year old petrol) still plying in NCR, and therefore steps must be taken to address this issue

ii. More intensified drives on vehicles with invalid PUC are required

iii. Enforcement of diversion of non-destined truck for Delhi.

iv. Further intensified action on visibly polluting vehicles, overloaded vehicles, uncovered vehicles carrying C&D materials including debris.

v. Addressing the inadequacy of infrastructure and resources for complete mechanised sweeping and water sprinkling in all identified roads.

vi. Addressing the inadequacy of anti-smog guns at vulnerable locations in major infrastructure projects, road projects.

vii. Addressing the issue of ineffective dust control measures in C&D project sites.

viii. Concerted actions found wanting as per "air pollution hotspots" mitigation plans.

ix. Open MSW burning being resorted to for warming / heating purposes and therefore steps must be taken to address this issue

x. Addressing the issue of ineffective ban on coal fired tandoors in dhabas.

xi. Addressing the issue of ineffective implementation of regulations related to DG sets."

The aforesaid authorities will also duly

implement what they are required to do and submit a report within two months.

**IN RE: COLOUR-CODED STICKERS**

Mr. Vipin Sanghi, learned senior counsel flags the issue of colour coding of the scheme. The same forms part of the minutes of the meeting at para 14 which reads as under :

14. There was a suggestion for strict enforcement of the Scheme for hologram-based color-coded stickers for vehicles. The Committee was apprised that this scheme is being implemented by all the States. Committee was informed that out of the nearly 27 lakh vehicles in Delhi, 17-18 lakh already have colour coded stickers. The remaining vehicles are primarily old vehicles bought before the implementation of the scheme in 2019. The Committee urged GNCTD of Delhi to ensure compliance with it. At the same time CAQM, in consultation with MoRTH, may examine the practical utility of this measure for improving air quality."

The submission is that once the law exists, it must be implemented. To that extent there can be no cavil and it is the duty of all State Governments to ensure that the law is implemented without any caveat to it. The Committee of Secretaries may call for a report from all State Governments about the progress made in implementation of this aspect of law to ensure that if there are any delinquent States, they comply with the same and that aspect may be brought to the notice of this Court.

**IA NO. 232078/2023**

Mr. Vikas Singh, learned senior counsel submits that Committee has taken care of the concerns expressed in this application and the application is disposed of accordingly.

IN RE: BURNING OF E-WASTE IN DELHI/NCR

At the suggestion of the learned Amicus we direct the Commission for Air Quality Management(CAQM) to also consider the issue of e-waste burning and as to how to implement it so that it does not aggravate the situation at the time of the Winters.

We do believe that there has to be some judicial monitoring to ensure that we are not again faced with the same scenario next winters. Thus it may be appropriate to continue to list this matter periodically for a judicial monitoring even though there is CAQM and seek reports.

List on 27.02.2024.

We must appreciate the role being placed by Ms. Aparajita Singh, Mr. A.D.N. Rao, and Mr. Siddhartha Chowdhury, learned Amici in these matters jointly.

IA NOS. 228781, 228785/2023

These applications are disposed of requiring them to be placed before CAQM.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)