

ITEM NO.2

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 & ORS.

Respondent(s)

(IN RE: CROP BURNING

1) IA NO.231822/2023 (APPLN. FOR DIRECTIONS ON B/O HARISH ARORA AND ORS.)

2) IA NO. 232078/2023 (APPLN. FOR INTERVENTION ON B/O MINU SINGH)

3) IA NOS. 235142, 235148 AND 235725/2023 (APPLNS. FOR INTERVENTION, PERMISSION TO APPEAR AND ARGUE IN PERSON AND TO FILE WRITTEN SUBMISSION)

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-PERSONMR. G.S. MAKKER, MR. AMRISH KUMAR,MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA,MR. SANDEEP KR. JHAMR. JYOTI MENDIRATTA, MS. VRINDA BHANDARI,MR. MUDIT GUPTA, MR. VIKRAM GULATI, PETITIONER-IN-PERSON (ADVOCATE), ADVOCATES)

Date : 21-11-2023 These applications were called on for hearing today.

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UPON hearing the counsel the Court made the following

O R D E R

IN RE: CROP BURNING

STATE OF PUNJAB

The report filed by the State of Punjab suggests that 8481 meetings have been held with the farmers and farm leaders to convince them not to burn paddy crop by the SHOs. There were 1092 flying squads

constituted. However, the upward trend in farm fires has not abated. 984 FIRs are stated to have been lodged and on our query, learned AG has taken instructions to state that these FIRs were registered against the land owners. 618 number of red entries were made in the revenue records against the erring farmers. Environmental Compensation amounting to more than Rs.2 crores is stated to have been imposed but the recovery is about Rs.18 lakhs. The remaining recovery should take place and that be informed to the Court on the next date.

Insofar as the enforcement of measures to control stubble burning is concerned, the status report filed by the Union of India refers to the following chart :

State	Cumulative fire incidents	No. of fields inspected	No. of cases where EC is imposed
Punjab	31,932	23,769	6,621
Haryana	1,986	1,986	1,603

The aforesaid data shows that out of the number of the fields even inspected, the number of cases that EC has been imposed is little more than 25 per cent only.

Learned Attorney General has also flagged from the affidavit the statement showing release of funds as under:

State	Fund released till now	Percentage of total funds	Funds available with the States (in Crores)
Punjab	1531.45	45.95%	174.88
Haryana	1006.71	30.20%	208.11
UP	713.67	21.41%	44.00
NCT of Delhi	6.05	0.18%	1.23
ICAR and Others	75.29	2.25%	3.62
Total	3333.17		431.73

Learned Amicus flags an issue arising from the order earlier passed on 06.11.2019. The States were directed to constitute Custom Hiring Centres to facilitate machines being made available to the marginal farmers. It is submitted that this has been implemented in Haryana with 29493 machines available with 6794 Custom Hiring Centres. It is pointed out from the status report of the Centre that insofar as the Punjab is concerned, number of machines are 128378 and number of Custom Hiring Centres established is 25417.

Learned Amicus points out that for purchase on machinery there is a subsidy of 50 per cent for farmers and for Cooperatives it is 80 per cent. She, however, clarifies that as far as the Custom Hiring Centres are concerned, machinery is being provided free for the marginal farmers. Learned Advocate General flags the issue that even if the machinery is

given free, there are aspects arising from running cost as say hiring of a tractor, man power and fuel. We put to the Advocate General as to why the State cannot fund even this aspect and utilize the by-product which would generate funds at least enough for purposes of funding to the extent that the subsidy has been given. We say so because there are farmers operating at larger economic scales where they are able to gain even a profit out of this by-product by use of these machines.

The State of Punjab would also take a cue from the endeavours made by the State of Haryana in the manner in which financial incentives are given as set out in para 18 of the report of the Central Government.

In our belief, the Committee must look into the aspect of discouraging cultivation of rice especially on account of the water required for it and the wells running dry in Punjab. The long term impact could be disastrous. Thus, persons concerned must put their head together to see how to encourage the switch over to alternative crops.

We may note that suggestions have been made on behalf of the applicant-Mr. Vikrant Tongad regarding novel measures to reduce the stubble burning. These suggestions would be analyzed by the Committee headed by the Cabinet Secretary.

BURNING OF E-WASTE IN DELHI/NCR

We have even earlier flagged the burning of e-waste *per se* and what learned Amicus pointed out to us that despite curbs, waste continues to be burnt in the open. This is a problem both in Uttar Pradesh and Delhi.

We expect both the State of Delhi and the State of Uttar Pradesh to take action and file a report before us in this behalf.

List on 07.12.2023.

IA NOS.61328/2020 & 237378/2023-IN RE: COLOUR CODED STICKERS

Mr. Vipin Sanghi, learned senior counsel seeks to flag the issue arising from the non-implementation of the Legislative mandate which came into force on 01.04.2019 *qua* the Colour Coded Stickers. He submits that for new cars these Colour Coded Stickers scheme has been implemented but for cars already in operation, there has been poor implementation.

We would once again call upon the Committee Chaired by the Cabinet Secretary to look into this aspect and see what directions ought to be issued to the States for better compliance.

List on 07.12.2023.

IA NO.232078/2023- FOR INTERVENTION

Insofar as the aspect of construction at private sites are concerned, Mr. Vikas Singh, learned senior counsel submits that they are covered by the rules but on account of the small fraction of its impact, the problem is faced by the persons affected.

In this behalf also, we would like the Cabinet Secretary's Committee to have a look into it.

List on 07.12.2023.

We are conscious that 7th December, being a Thursday, only final hearing matters are taken up but this is more akin to a final hearing matter and we thus, list it, more so, as that would be the last regular hearing day of this Bench.

IA NO.238763/2023**IN RE: REGIONAL RAPID TRANSPORT SYSTEM
DELHI-ALWAR AND DELHI-PANIPAT CORRIDOR**

The application is necessitated by the National Capital Regional Transport Corporation Ltd. on account of the gross breach of directions passed by this Court on 21.04.2023 and the assurance given to this Court on behalf of the State Government on 24.07.2023.

On 21.04.2023, we had specifically mentioned about the balance amount of Rs.415 crores payable by the Delhi Government for which budgetary provision was to be made and directed them to pay the amount promptly. We may notice that it is part of the

process of reducing the pollution and has vast impact. Since the amounts were not paid, on 03.07.2023, we noted that the Delhi Government expressed its inability to contribute funds for the common project. Since paucity of funds was an aspect which was an impediment in the project, we called upon the Delhi Government to file an affidavit setting forth the funds utilized for advertisement by the State Government as the project is of considerable importance. The details were required for the last three years.

It may be noticed that the other payments have been made through the ECC.

The details before the Court showed that the three years' budget provisions are almost Rs.1100 crores and the budget for the current financial year was about Rs.550 crores.

The budgetary provision is something which the State Government should look into. But if such national projects are to be affected and against that money is spent on advertisement, we would have been inclined to direct those funds to be transferred to this project.

However, on the last date of hearing on 24.07.2023, on this aspect, Dr. A.M. Singhvi, learned senior counsel had assured that the funds will be made available.

We are thus, constrained to direct that funds allocated for advertisement purposes should be transferred to the project in question.

At the request of the learned counsel for Delhi Government, we keep this order in abeyance for a period of one week and if the funds are not transferred, the order will come into operation.

List this application on 28.11.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)