

ITEM NO.301

Court 1 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 15-11-2021 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Vikas Singh, Sr. Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv.
Ms. Deepaki Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Archana Pathak Dave, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Suhasini Sen, Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Uttara Babbar, AOR

Mr. D.S. Patwalia, Sr. Adv.
Mr. Gauravjit Patwalia, Adv.
Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv.

Mr. Tushar Mehta, SG
Mr. Anil Grover, Sr. AAG, Haryana
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Ms. Babita Mishra, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. Rahul Mehra, Sr. Adv.
Ms. Jyoti Mendiratta, AOR

Mr. Kamlesh Kumar Maurya, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Pawan Kumar, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Vishal Tiwari, Adv.
Mr. Dhruv Singh, Adv.
Mr. Kaushal Yadav, AOR

Mr. Tushar Mehta, SG
Mr. Ravindra Raizada, AAG, UP
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamlendra Mishra, AOR

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

The Court is convened through Video Conferencing.

Heard Mr. Vikas Singh, learned Senior counsel appearing for the petitioners, Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Mr. Rahul Mehra, learned Senior counsel appearing for the Government of National Capital Territory of Delhi and Mr. D.S. Patwalia, learned Senior counsel appearing for the State of Punjab at a considerable length.

A comprehensive summary of the steps purportedly taken by the Government of Punjab in pursuance to the Orders passed by this Court to prohibit & prevent stubble burning is filed, which is taken on record.

Affidavits on behalf of Respondent No.1 – Ministry of Environment, Forest and Climate Change and Government of National Capital Territory of Delhi are also filed and taken on record.

We have perused the said affidavits filed in the matter.

Taking into consideration the submissions advanced by the learned Solicitor General appearing for the Union of India and learned Senior counsels appearing for the States, we find that the major contributors of air pollution in National Capital Region are

(i) construction activities, (ii) running of non-essential industries, (iii) transport and (iv) running of power plants on coal etc.

We find that some initiatives have been taken by the Commission for Air Quality Management in National Capital Region and Adjoining Areas as also by the Government of National Capital Territory of Delhi in compliance with the directions passed by this Court. We appreciate the steps taken by them.

However, after going through the actual exercise undertaken at the ground level, we find that the Authorities have not yet indicated the broader steps that they are going to take to control the factors which are responsible for poor air quality.

In view of the above, we direct the Union of India to call for an emergency meeting tomorrow with all the stakeholders and discuss the areas which we have indicated above and to state what further orders they can pass or steps they can take to effectively control air pollution and to ensure implementation.

We direct the concerned Principal Secretaries of the States of Uttar Pradesh, Punjab, Haryana and Delhi to attend the meeting and make their submissions before the Commission for Air Quality Management in the National Capital Region and Adjoining Areas.

So far as the air pollution caused by stubble burning is concerned, the affidavits filed in the matter do indicate that the stubble burning is not responsible for causing air pollution to that extent except for the two months of October & November.

However, we find that there is a rise in stubble burning incidents in the States of Punjab & Haryana.

With a view to avoid air pollution, we direct both the State Governments to persuade the farmers and impress upon them not to set fire to stubble at least for a period of two weeks.

We direct the Union of India and the States adjoining the National Capital Region to consider to allow its Officers and Officials to work from home, as is done by the Government of

National Capital Territory of Delhi in this behalf, so as to minimize the vehicular traffic.

List the matter on 17-11-2021.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)