

ITEM NO.301

COURT NO.1

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 & IA
No.148255/2021 - INTERVENTION APPLICATION)

Date : 17-11-2021 This Writ Petition along with applns. were 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. Deepika Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.

For Respondent(s)

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

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

Ms. Uttara Babbar, AOR

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

Dr. A.M. Singhvi, Sr. Adv.
Mr. Rahul Mehra, Sr. Adv.
Ms. Jyoti Mendiratta, AOR

Mr. Manish Kumar, Adv.
Ms. Divya Roy, AOR

Mr. Kamlesh Kumar Maurya, Adv.
Mr. Pawan Kumar, Adv.
Mr. Shiv Kumar Tripathi, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Ms. Yashoda Katiyar, Adv.
Mr. Shafiq Ahmed, Adv.
Mr. Vishal Tiwari, Adv.
Mr. Dhruv Singh, Adv.
Mr. Kaushal Yadav, AOR

Mr. Rajiv Raizada, AAG, UP
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamlendra Mishra, AOR

Mr. Anilendra Pandey, Adv.
Mr. Charan Pal Singh Bagri, Adv.
Mr. Sandeep, Adv.

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

This Court on 15-11-2021 passed the following order:-

"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."

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Dr. A.M. Singhvi, learned Senior counsel appearing for the Government of National Capital Territory of Delhi, Mr. D.S. Patwalia, learned Senior counsel appearing for the State of Punjab, Mr. Anil Grover, learned Senior Additional Advocate General appearing for the State of Haryana, Mr. Rajiv Raizada, learned Additional Advocate General appearing for the State of U.P., Mr. Vikas Singh, learned Senior counsel appearing for the petitioners and Mr. Mukesh Kumar, learned counsel appearing for the intervenor in Interlocutory Application No.148255 of 2021 at a considerable length.

Learned Solicitor General has filed an affidavit dated 16-11-2021 in the Court today on behalf of the Ministry of Environment, Forest and Climate Change, New Delhi (Respondent No.1) in compliance with the Order dated 15-11-2021 passed by us.

We have perused the said affidavit which is taken on record.

Affidavits dated 16-11-2021 are also filed in the Court today by the States of Punjab & Haryana and we have perused the same and are taken on record.

A note regarding Air Quality Management in Mexico City Metropolitan Area is also given by the learned counsel for the intervenor in the Court.

A short note is also given by Dr. A.M. Singhvi, learned Senior counsel appearing for the Govt. of National Capital Territory of Delhi.

As prayed, list the matter on Wednesday, the 24th November, 2021.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

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