COURT NO.6

SUPREME COURTOF INDIA 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: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) 1) I.A. NO. 236055/2024 (APPLICATION FOR INTERVENTION) 2) I.A. NO. 231348/2024 (APPLICATION FOR DIRECTIONS) 3) I.A. NO. 158128/2019 (APPLICATION FOR INTERVENTION) 3) I.A. NOS. 88585/2020, 16223, 16230, 16235, 16236/2021 (APPEAL AGAINST LD. REGISTRAR'S ORDER, APPLICATIONS FOR CONDONATION OF DELAY IN FILING, CONDONATION OF DELAY IN REFILING, DIRECTIONS, PERMISSION TO APPEAR AND ARGUE IN PERSON) 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. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MS. FILZA MOONIS, MR. ANIL KUMAR, ADVOCATES MR. DEEPAK KHOSLA, PETITIONER-IN-PERSON)

Date : 04-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Ms. Aparajita Singh, Sr. Adv. (Amicus Curiae)

Mr. A.D.N.Rao, Sr.Adv. (Amicus Curiae)

Mr. Siddhartha Chowdhury, Adv. (Amicus Curiae)

Ms. Shibani Ghosh, Adv.

For the parties:

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

1. Notwithstanding the direction contained in paragraph 14 of this Court's order dated 23rd October, 2024, the Union of India has not taken any decision on the proposal submitted by the State of Punjab. We extend the time to take a decision by a period of one week from today. Compliance shall be reported on 11th November, 2024.

2. Assurance has been given in paragraph 1 of the status report submitted by the Union of India that draft Rules mentioned in clauses 2(a) and 2(b) thereof will be gazetted during the course of this week. In view of this assurance, we direct that further compliance to be filed on or before 11th November, 2024.

3. Our attention is invited to the communication dated 29th December, 2023 passed by the Ministry of Road Transport and Highways (MVL Section) of Government of India which is addressed to the Principal Secretaries/the Secretaries, Department of Transport and the Transport Commissioners of all the States/Union Territories. The communication itself indicates that all the States and the Union Territories were supposed to report compliance with the order dated 13th December, 2023 regarding enforcement of norms prescribed in respect of "Colour Coded Stickers".

4. We direct all National Capital Region States to report compliance with the order dated 13th December, 2203 by filing the affidavits within a period of one month from today.

direct the Ministry of Road Transport and 5. We Highways (MVL Section) to forthwith call a meeting of the Secretaries of the Department of Transport and the Transport Commissioners of the remaining States and the Union Territories for the purposes of ascertaining the steps taken to implement the order dated 13th December, We direct the Union of India to file an affidavit 2023. reporting compliance before the end of this year. Needless to add that it is the responsibility of the Union of India and all the States and the Union Territories to ensure strict compliance with the directions issued by this Court on 13th December, 2023 for making compliance with the provisions of the Motor Vehicle (High Security Registration Plate) Order, 2018 as Compliance on this aspect shall be considered amended. on 3rd January, 2025.

6. The learned Amicus Curiae has placed on record a report submitted by the Centre for Science and Environment (CSE), New Delhi. We request the learned Amicus Curiae to provide copies of the said report to the learned counsel representing the States of Punjab and Haryana as well as the learned Additional Solicitor General. There are two issues which we must consider.

7. The learned counsel representing the Delhi stated that there was Government а ban on use of firecrackers in Delhi. There cannot be any dispute that the ban was hardly implemented. Moreover, the effect of non-implementation of the ban is very apparent from the report of the CSE which shows that the pollution level in Delhi in the Diwali of 2024 was all time high. It was much higher than the Diwali of 2022 and 2023. Moreover, the report indicates that even farm fires were on rise during Diwali days. We direct the Delhi Government to to file a detailed affidavit placing on record the orders containing the use of firecrackers and the steps taken by the Delhi Government to implement the same.

8. We issue notice to the Commissioner of Police, Delhi calling upon him to file an affidavit indicating the steps taken by the Police to enforce the complete ban on use of firecrackers in Delhi. While filing the affidavits, the Delhi Government and the Police must also state what effective steps they propose to take next year to ensure that the ban on use of firecrackers is fully implemented. This will also include the measures be taken for public awareness.

9. We also direct the Governments of Haryana and Punjab to file the affidavits indicating the details about the number of instances of stubble burning/farm fires during the last 10 days of October, 2024 and the first 3 days of November, 2024 and the action taken thereon.

10. In paragraph 15 of the last order dated 23rd October, 2024 we have highlighted the issue of large scale open burning of garbage/waste burning and three other issues. The learned counsel appearing for the Delhi Government states that an affidavit has been filed on 30th October, 2024. Copies of the affidavit be provided by the learned counsel to all the parties.

11. The affidavits by Delhi Government and the Commissioner of Police to be filed within one week from today. The Delhi Government while filing the affidavit will also state whether there were instances of fires in farms within the limits of Delhi.

12. For considering these aspects of what happened during Diwali of 2024, the Court will consider the issue on 11th November, 2024.

13. In the meanwhile, the Government of Delhi and the other parties will also take a call on the issue of perpetual ban on use of firecrackers in Delhi.

IA No.235980/2024

14. This application will be considered on 11th November,
2024.

I.A. NOS.88585 of 2020, 16223, 16230, 16235 and 16236 of 2021

15. The applicant appearing in person states that IA Diary Nos.50346, 50347, 50349 and 50350 of 2020 were heard on 15th June, 2020 in Covid time when he could not get connectivity. Therefore, he could not appear. The applications were dismissed.

16. We, therefore, recall the order dated 15th June, 2020 only to the extent of dismissal of IA Diary Nos. 50346, 50347, 50349 and 50350 of 2020 and the said applications shall stand restored which shall be considered on 11th November, 2024.

(ANITA MALHOTRA) AR-CUM-PS (AVGV RAMU) COURT MASTER