

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(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: NUMBER OF VACANT POSTS IN STATUTORY POLLUTION CONTROL BOARDS OF VARIOUS STATES 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, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES)

Date : 27-08-2024 This petition was called on for hearing today.

CORAM :

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

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

We have perused the compliance reported by the States of Rajasthan, Punjab, NCT of Delhi, Uttar Pradesh and Haryana which are States falling in the National Capital Region.

These States were called upon to file compliance affidavits regarding filling in the vacant posts in the respective State Pollution Control Boards. A substantial number of posts are vacant in relation to these five States. Initially, we were inclined to grant an outer limit till 31st March, 2025, to fill in all the vacant posts. However, Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, is right when she pointed out that very soon the issue of stubble burning and pollution will arise. She invited our attention to the provisions of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (for short, "the 2021 Act"). The object of establishing the Commission for Air Quality Management in National Capital Region and Adjoining Areas (for short, "the Commission") under Section 3 of the 2021 Act is for better co-ordination, research, identification and resolution of problems surrounding the air quality index and for matters connected

therewith or incidental thereto.

Our attention is also invited by the learned Amicus Curiae to Section 11 of the 2021 Act which provides for constitution of Sub-Committees including a Sub-Committee on Safeguarding and Enforcement. The constitution of the Sub-Committee on Safeguarding and Enforcement has been laid down in sub-Section (3) of Section 11 of the 2021 Act.

Today, the situation is that due to a large number of vacant posts in the State Pollution Control Boards, the said Boards have become ineffective for all purposes. Now, the question is what steps the Commission proposes to take. The issue is of a very urgent nature as the State Pollution Control Boards, who have more than sufficient powers to take steps for controlling pollution, are virtually defunct. We, therefore, direct the Chairperson of the Commission to remain present through video conference on the next date and explain to us what steps the Commission proposes to take. Our attention is also invited to clause (c) of sub-Section (6) of Section 12 of the 2021 Act. The Chairperson of the Commission will have to address the Court on this aspect also.

We make it clear that all States have to endeavour to fill in the important posts urgently. Under no circumstances, we are going to grant them time for filling in all the vacancies beyond 30th April, 2025.

The States of Rajasthan, Punjab, NCT of Delhi, Uttar Pradesh and Haryana will address the issue of filling in substantial vacancies in the State Pollution Control Boards on urgent basis and the outer limit therefor. These States will endeavour to fill in

the vacant posts, which are required to be filled in by directing recruitment, within a period of two months from today. However, a specific statement shall be made by these States on the next date.

It will be open for the Chairperson of the Commission to file an affidavit indicating the steps which the Commission proposes to take in terms of the provisions of the 2021 Act.

List on 2nd September, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
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