

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: NUMBER OF VACANT POSTS IN STATUTORY POLLUTION CONTROL BOARDS OF VARIOUS STATES AND IN RE: SOLID WASTE DISPOSAL AND I.A. NO. 210415 OF 2024 [(APPLICATION FOR IMPLEADMENT AS PARTY PETITIONER) AND I.A. NO. 211942 OF 2024 (APPLICATION FOR CLARIFICATION/DIRECTION) FILED ON BEHALF OF MS. BHAVREEN KANDHARI] 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, ADVOCATE MR. MANAN VERMA, ADVOCATE IA No.221221/2024 - INTERVENTION/IMPLEADMENT IA No.221344/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No.221347/2024 - STAY APPLICATION)

Date : 27-09-2024 This petition was called on for hearing today.

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

IA Nos.221221, 221344, 221347, 212631 and 215408 OF 2024

1. List these applications on 25th October, 2024.

IA Nos.210415 and 211942 OF 2024

2. Heard the learned counsel appearing for the applicants.

3. As of today, there is no material placed on record to show that the Delhi High Court has interpreted the following part of our order in a particular manner:

"In our opinion, approach road is absolutely necessary and there should be no delay on the part of the concerned authorities."

4. Hence, there is no reason to entertain these applications and the same are accordingly dismissed.

IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM)

5. We have heard the learned Amicus Curiae and also the learned Additional Solicitor General appearing for the Commission for Air Quality Management (for short, 'the Commission') in the National Capital Region and adjoining areas. The Commission has been set up under Act No.29 of 2021 for the purposes of better coordination, research, identification and resolution of problems surrounding the air quality index and matters connected therewith in the National Capital Region area.

6. There are multiple reports/affidavits filed on record by the Commission. Though we cannot say that the Commission has not taken any action, the learned Amicus Curiae is right in submitting that the Commission has not performed the way it was expected to perform, considering the object for which the Commission was set up.

7. One of the critical issues to be dealt with by the Commission is the issue of stubble burning in the current season. It is brought on record that certain equipment has been provided to the farmers from the money supplied by the Central Government. The equipment can be used as a substitute for stubble burning. Some efforts need to be made to ensure that the farmers use the equipment at the grass-root level.

8. The Act has been in existence for more than three years now. Hardly 85 to 87 directions have been issued so far by the Commission under Section 12(1) of the Act. No action has been taken even after finding that the directions have not been implemented; possibly, the action could be taken under Section 14 of the Act.

9. The Chairperson of the Commission who is present today in the Court through video conference, states that three sub-committees mentioned in sub-section (1) of Section 11 are holding only one meeting every three months. The sub-committee on Monitoring and Identification and the sub-committee on Safeguarding and Enforcement have been assigned important tasks. We wonder how they perform those tasks by meeting only once in three months.

10. One of the important duties assigned to the Commission is to coordinate with the State authorities in the National Capital Region. There are vast powers conferred on the Commission under Section 12 of the Act, including the power to direct the closure, prohibition or regulation of any industry, operation or process.

11. We are of the view that though the Commission has taken certain steps, the Commission needs to be more active. The Commission must ensure that its efforts and directions translate into reducing the problem of pollution. We would like to know from the Commission

about the meetings held of the three Committees under Section 11(1) of the Act and the decisions taken thereunder. The Commission must immediately step into action to ensure that the farmers use the equipment provided at the cost of the Central Government to avoid stubble burning. Thus, apart from specific methods suggested by the Commission for dealing with the stubble burning, the Commission must also record the details of the three Committee meetings and the decisions taken thereunder.

12. We direct the Commission to file a better compliance report recording compliance with the provisions of the Act and the steps taken to enforce not only the provisions but also the recommendations of the Committees and the directions issued by the Commission.

13. For considering the said report, list on 3rd October, 2024.

14. The learned Amicus Curiae is seeking the following directions:

"9. It is submitted that given the wide powers of CAQM to develop an effective platform to synergise the energies and efforts of all stakeholders in developing innovative ways to monitor and enforce under the Act:

a) the CPCB and all the other pollution control bodies in NCR and adjoining areas, may be directed to tag the CAQM along with the concerned implementing authority while responding to a Complaint on their social media

page. This would help CAQM monitor the response of the authorities.

b) the authority tagged for resolving the complaint should also be directed to upload compliance or reason for non-compliance on the same handle by tagging the CAQM and CPCB.

c) This would help the Commission in identifying the roadblocks and fixing accountability of the authorities in real-time for the purposes of punitive action under S.14."

15. We see no difficulty in accepting the prayers. Therefore, it will be appropriate for all concerned to act upon the said three directions sought by the learned Amicus Curiae. For reporting compliance with these aspects, we will consider the case on 18th October, 2024 at the end of the Board.

IN RE: SOLID WASTE DISPOSAL

16. List on 18th October, 2024 at the end of the Board.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER