

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)

([TO BE TAKEN UP AT 3.30 P.M.] ----- IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND IMPLEMENTATION OF GRAP IV 1) I.A. NO. 269389/2024 (APPLICATION FOR INTERVENTION) 2) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) 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.) 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, MR. YASH S VIJAY, MR. SAURABH AGRAWAL ADVOCATES)

Date : 28-11-2024 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

1. We had a glance at the second report of the Court Commissioners. What both reports depict is the abject failure of the various authorities to implement Graded Response Action Plan (for short, "the GRAP")-IV measures in its true letter and spirit. There are violations pointed out in both the reports. We request the Court Commissioners to supply the copies of both the reports to the learned counsel representing the States and other stake holders. We expect the States to make a statement before us about the action which they propose to take in

case of breaches which are specifically pointed out by the Court Commissioners.

2. We continue the appointment of the Court Commissioners.

3. We accept the suggestions made by the Court Commissioners and direct the Transport Department of Delhi Government and the Delhi Pollution Control Committee to appoint Nodal Officers for the purposes of facilitating the work by the Court Commissioners.

4. Immediate issue which needs to be addressed is that the trucks are allowed to enter the limits of Delhi and then after travelling some distance, they are taking U-turn to go back to the place from where they have arrived. This issue also needs to be addressed.

5. We make it clear that all GRAP-IV measures except the measures which are modified in respect of the schools will continue to operate till Monday i.e. 2nd December, 2024.

6. We clarify that as far as clause (1) of Stage IV ('Severe +' Air Quality) of GRAP is concerned, there is a complete ban on the entry of all trucks in Delhi except the following categories:

- (a) The trucks carrying essential commodities;
- (b) The trucks providing essential services; and
- (c) All LNG/CNG/Electric/BS-VI diesel trucks.

7. There are no other exceptions admissible under clause (1) of Stage IV. Therefore, if any authority has issued any instructions which run contrary to the above, the same will not bind the Police and other staff posted at the entry points.

8. In the meanwhile, the Commission for Air Quality Management (for short, "the Commission") will hold a meeting and come out with their suggestions about moving from GRAP-IV to GRAP-III or GRAP-II. We also make it clear that it is not necessary that all measures which are provided in GRAP-IV should be dispensed with. There can be a combination of measures in GRAP-III and GRAP-IV. The suggestions of the Commission with reasons shall be placed before the Court on Monday i.e. 2nd December, 2024.

9. We are informed that our directions in paragraph 4 of the order dated 25th November, 2024 has not been implemented by any of the National Capital Region States. We direct the compliance to be made with the said directions at the earliest and in any case on or before Monday i.e. 2nd December, 2024.

10. Our attention is invited to the compliance report filed by the Commission. Show cause notices have been issued to the various functionaries for taking action under Section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (for short, "the Act"). The action needs to be expedited.

11. Our attention is also invited to an article appearing in India Today of 27th November, 2024 which records that a Land Records Officer and others admitted that they were advising the farmers to burn stubble after 4.00 p.m. to avoid satellite detection. We are not accepting the correctness of this news item. But if it is correct, it is very serious. The State officials cannot permit any farmer to take advantage of the fact that at present, only those farm fire activities are being detected which take place during few hours of the day. The Government of Punjab shall immediately issue instructions to all the officials not to indulge in any such activities.

12. In terms of paragraph 5 of our last order, the Commission will issue the necessary directions consisting of mitigating measures as suggested by us in paragraph 5.

13. The learned Additional Solicitor General appearing on behalf of the Union of India states that the clarification issued by the Director (Technical) of the Commission on 28th November, 2024 will be withdrawn.

14. To be listed at the end of the cause list on 2nd December, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER