

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: 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. NOS. 16223, 16230, 16235, 16236/2021 (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 : 23-10-2024 This petition was called on for hearing today.

CORAM :

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

Ms. Aparajita Singh, Sr. Adv. (Amicus Curiae)
Mr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)
Mr. Sidharth Chaudhary, Adv. (Amicus Curiae)
Ms. Shibani Ghosh, Adv.
Mr. Aditya Bharat Manubarwala, Adv.

For the parties:

Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, ASG
Mr. Wasim Quadri, Sr. Adv.
Mrs. Ruchi Kohli, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashinin Sen, Adv.
Mr. Rajesh K. Singh, Adv.
Mr. S. S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Shagun Thakur, Adv.

Ms. Manisha Chava, Adv.
Mr. Abhinav Aggarwal, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Raj Bahadur Yadav, AOR
Mrs. Alka Agarwal, Adv.
Ms. Sonali Jain, Adv.
Mr. Ashok Kumar B, Adv.
Ms. Baby Devi Bonia, Adv.
Mr. Anirudh Bhat, Adv.
Mr. Prashant Singh Ii, Adv.
Mr. Gaurang Bhushan, Adv.
Ms. Sweksha, Adv.
Dr. N. Visakamurthy, AOR
Mr. Raghav Sharma, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Kanu Agrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Indira Bhakar, Adv.

Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Gurminder Singh AG Punjab/Sr. Adv.
Mr. Prashant Manchanda, A.A.G.
Mr. Vivek Jain, D.A.G.
Mr. Karan Sharma, AOR
Ms. Savi Nagpal, Adv.

Mr. Lokesh Sinhal, Sr. Adv.
Mr. B.K.Satija, AAG
Mr. Akshay Amritanshu, AOR
Mr. Rahul Khurana, Adv.
Mr. Samyak Jain, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.

Mr. Lokesh Sinhal, Sr. Adv.
Mr. Nikunj Gupta, Adv.
Ms. Himanshi Shakya, Adv.
Ms. Aakansha, Adv.
Mr. Rahul Khurana, AOR

Mr. Vipin Sanghi, Sr. Adv.
Mr. Manu Agarwal, Adv.
Mr. Saif Ali, Adv.
Mr. Anil Kumar, AOR

Ms. Sanjivani Aggarwal, Adv.
Ms. Jyoti Aggarwal, Adv.
Mr. Pradeep Shekhawat, Adv.
Ms. Filza Moonis, AOR

Applicant-in-person

Petitioner-in-person

Mr. P. K. Jain, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mrs. Anil Katiyar, AOR

Mr. Hardeep Singh Anand, AOR

Mr. Sandeep Narain, AOR

Mr. Sushil Kumar Singh, AOR

Mrs. Rani Chhabra, AOR

Mr. G. Prakash, AOR

Ms. Nandini Gidwaney, AOR

Mr. Shri Narain, AOR

Mr. Umesh Kumar Khaitan, AOR

Ms. Shalini Kaul, AOR

Mr. Akshay Amritanshu , AOR

Mr. K. R. Sasiprabhu, AOR

Mrs. K. Sarada Devi, AOR

Mr. Sanjay Kumar Visen, AOR

Mrs. Priya Puri, AOR

Ms. Manjula Gupta, AOR

Mr. T. V. Ratnam, AOR

Mr. Balaji Srinivasan, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

M/S. Khaitan & Co., AOR

Mr. S. S. Shroff, AOR

Mr. Sushil Kumar Jain, AOR

Mr. Aniruddha Deshmukh, AOR

Mr. Ravindra Bana, AOR

Mr. Surya Kant, AOR

Mrs. B. Sunita Rao, AOR

Mr. Gunmaya S Mann, Adv.

Mr. Roop Narain, Adv.

Mr. Vineet Kumar, Adv.

Mr. Sambhav Jain, Adv.

Mr. Abhishek, AOR

Mr. Sarvam Ritam Khare, AOR

Mr. R. P. Gupta, AOR

Mr. P. Parmeswaran, AOR

Mr. Mohit D. Ram, AOR

Mr. Pramod Dayal, AOR

Mr. Satya Mitra, AOR

M/S. M. V. Kini & Associates, AOR

Mr. Nishe Rajen Shonker, AOR

Mrs. Anu K Joy, Adv.

Mr. Alim Anvar, Adv.

Mr. Rakesh Kumar-i, AOR

Mr. Parijat Sinha, AOR

M/S. Saharya & Co., AOR

Mr. Pavan Kumar, AOR

Mr. Sandeep Narain, Adv.

Ms. Kanak Malik, Adv.

For M/S. S. Narain & Co., AOR

Mr. Chirag M. Shroff, AOR

Mr. Ejaz Maqbool, AOR

Dr. Menaka Guruswamy, Sr. Adv.
Mr. S. Wasim A Quadri, Sr. Adv.
Mr. Ajay Bansal, Adv.
Mr. Devesh Maurya, Adv.
Mr. Sukhamrit Singh, Adv.
Mr. Praveen Swarup, AOR

Mr. Prashant Kumar, AOR

Mr. Mahesh Agarwal, Adv.
Mr. E. C. Agrawala, AOR

Ms. Hemantika Wahi, AOR

Ms. Binu Tamta, AOR

Mr. Radha Shyam Jena, AOR

Mr. Pradeep Kumar Bakshi, AOR

Mr. Ashok Mathur, AOR

Mr. V. K. Verma, AOR

Mr. Alok Gupta, AOR

Mr. Ajit Pudussery, AOR

Mrs. Bina Gupta, AOR

Mr. Rakesh K. Sharma, AOR

Ms. Sujeeta Srivastava, AOR

Mr. Anil Kumar Jha, AOR
Ms. Vijayalaxmi Jha, Adv.

Mr. Mukesh K. Giri, AOR
Mr. Mandaar Mukesh Giri, Adv.
Mr. L.k. Giri, Adv.
Mr. Aakash Shankar, Adv.
Mr. Kautilya Sharma, Adv.

M/S. Parekh & Co., AOR

Mr. Sudhir Mendiratta, AOR

Ms. Pritha Srikumar Iyer, AOR

M/S. Karanjawala & Co., AOR

Mr. V. N. Raghupathy, AOR

Ms. Charu Ambwani, AOR

**Ms. Ripul Swati Kumari, Adv.
Ms. Astha Sharma, AOR**

**Mr. Rajesh Kumar Maurya, Adv.
Mr. Neeraj Shekhar, AOR**

Mr. Mohit Paul, AOR

**Mr. Nischal Kumar Neeraj, AOR
Mr. Shalen Bhardwaj, Adv.
Mr. Ashok Kumar Panigrahi, Adv.
Ms. Lakshmi, Adv.
Ms. Ekta Kalra, Adv.
Ms. Banisha Verma, Adv.**

Mr. Nishit Agrawal, AOR

**Mr. Yashraj Singh Bundela, AOR
Mr. Chanakya Baruah, Adv.
Ms. Saloni, Adv.
Mr. Rohan Singla, Adv.**

Mr. Pulkit Agarwal, AOR

Mr. Gaurav, AOR

**Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.**

Ms. Divya Jyoti Singh, AOR

Mr. Vinay Garg, AOR

Mr. T. R. B. Sivakumar, AOR

**Mr. Avadhesh Kumar Dubey, Adv.
Mr. Praveen Pathak, Adv.
Ms. Shraddha Khandhadia, Adv.
Ms. Akanksha Singh, Adv.
Ms. Manju Jetley, AOR**

Mr. Amrish Kumar, AOR

Mr. Harsh V. Surana, AOR

Ms. Rakhi Ray, AOR

Ms. Ishita Jain, AOR
Mr. Anand Kumar Shrivastava, Adv.
Mr. Ankit Bhandari, Adv.

Ms. Tulika Mukherjee, AOR

Mr. Akshay Girish Ringe, AOR

Ms. Aswathi M.K., AOR

M/S. M. V. Kini & Associates, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyan, Adv.
Mr. Suraj Singh, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Ms. Jyoti Mendiratta, AOR

Mr. Puneet Taneja, AOR

Ms. Vrinda Bhandari, AOR

Ms. Sakshi Kakkar, AOR

Ms. Shagun Matta, AOR

Mr. Gopal Jha, AOR

Mr. Shishir Deshpande, AOR

Mr. D.Kumanan, AOR
Ms. Deepa S, Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Veshal Tyagi, Adv.
Mr. Chinmay Anand Panigrahi, Adv.

Ms. Pritha Srikumar Iyer, AOR

Ms. Rooh-e-hina Dua, AOR

Mr. Mudit Gupta , AOR

Ms. Divya Roy, AOR

Mr. Sandeep Kumar Jha, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, Adv.
Ms. Shalini Singh, Adv.
Mr. Saurabh Rajpal, Adv.

Ms. Puja Sharma, AOR

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. Tushar Nair, Adv.
Mr. Anirudh Anand, Adv.
Mr. Punishk Handa, Adv.

Mr. Neeraj Kumar Gupta, AOR

Mr. Danish Zubair Khan, AOR

Mr. Vikas Mehta, AOR

Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.
Ms. Rupali, Adv.

Mr. H S Phoolka, Sr. Adv.
Mr. Niraj Gupta, AOR
Ms. Prabhaahay Kaur, Adv.
Mrs. Anshu Gupta, Adv.
Mr. Avani Chaudhary, Adv.
Mr. Mukesh Kumar Jain, Adv.
Ms. Surpreet Kaur, Adv.
Mr. Arani Chaudhary, Adv.

Mr. Shekhar Kumar, AOR

Mr. Rajan Narain, AOR

Mr. Ayush Sharma, AOR

Mr. Anurag Kishore, AOR

Ms. Mayuri Raghuvanshi, AOR

Dr. Brij Bhushan K Jauhari, Adv.
Mr. Deepak Jyoti Ghildiyal, Adv.
Mr. Satya Vir Singh Rana, Adv.
Ms. Purnima Jauhari, AOR

Mr. Hiren Dasan, AOR

Mr. Ajay Vikram Singh, AOR
Mr. K. Paari Vendhan, AOR
Ms. Jaikriti S. Jadeja, AOR
Ms. Astha Tyagi, AOR
Mr. Sunil Fernandes, AOR
Mr. Kuldip Singh, AOR
Ms. Anushree Prashit Kapadia, AOR
Mr. Ketan Paul, AOR
Dr. Ram Sankar, Adv.
Mrs. Harini Ramsankar, Adv.
For M/S. Ram Sankar & Co, AOR
Ms. Malvika Kapila, AOR
Mr. Gaurav Kejriwal, AOR
Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Ayushi Bansal, Adv.
Mr. S. S. Shroff, AOR
Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.
Ms. Srija Choudhury, Adv.
Mr. Anas Tanwir, AOR
Mr. Vikrant Singh Bais, AOR
Ms. Diksha Rai, AOR
Mr. Soumya Dutta, AOR
Mr. Sameer Kumar, AOR
Mr. Ajay Pal, AOR
Mr. Dhananjaya Mishra, AOR
Mr. Rajiv Yadav, AOR

Mr. Vipin Nair, AOR

Mr. Rishi Matoliya, AOR

Mr. D. Abhinav Rao, AOR

Mr. Durga Dutt, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T.k. Nayak, Adv.
Ms. Preeti Sehrawat, Adv.

Ms. Rashmi Malhotra, AOR

Mr. Gaurav Choudhary, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.
Mr. Vikas Bharti, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Ms. Nidhi Mohan Parashar, AOR

Mr. P. Parmeswaran, AOR

Mr. Nirnimesh Dube, AOR

Mr. Ravindra S. Garia, AOR
Mr. Shashank Singh, Adv.
Mr. Madan Chandra Karnatak, Adv.
Mr. Ambuj Ojha, Adv.

Mr. Talha Abdul Rahman, AOR

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.

Mr. M. P. Devanath, AOR

Ms. Ruchi Kohli, Sr. Adv.
Ms. Srishti Mishra, Adv.

Mr. R. C. Kohli, AOR
Mr. D. Abhinav Rao, AOR
Mr. Prakash Ranjan Nayak, AOR
Mr. Nitin Saluja, AOR
Mr. Deepayan Mandal, AOR
Ms. Shalu Sharma, AOR
Mr. Sahil Tagotra, AOR
Mr. Akhil Anand, AOR
Mr. Prashant Singh, AOR
Mrs. Perna Dhall, Adv.
Mr. Piyush Yadav, Adv.
Mrs. Akanksha Singh, Adv.
Mr. Pranav Sachdeva, AOR
Mr. Sameer Shrivastava, AOR
Mr. Debojit Borkakati, AOR
Mr. Aakarshan Aditya, AOR
Mr. Satya Mitra, AOR
Mr. Prasanna S., AOR
Ms. Mithu Jain, AOR
Ms. Asha Gopalan Nair, AOR
M/S. Ahmadi Law Offices, AOR
Ms. Surabhi Sanchita, AOR
Mr. Vinod Sharma, AOR
Mr. Mahfooz Ahsan Nazki, AOR
Mr. Vinodh Kanna B., AOR
Mr. Sandeep Singh, AOR
Ms. N. Annapoorani, AOR

Mr. S. Gowthaman, AOR
Ms. Neeru Vaid, AOR
Mr. Vivek Gupta, AOR
Mr. Vinay Garg, AOR
Ms. G. Indira, AOR
Mr. Subhro Sanyal, AOR
Ms. Misha Rohatgi, AOR
Mr. Ravi Prakash, AOR
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Vikrant Singh Bais, AOR
Mr. Alok Gupta, AOR
Mr. K. V. Mohan, AOR
Ms. Surbhi Mehta, AOR
Mr. Shovan Mishra, AOR
Ms. G. Indira, AOR
Mr. Yoginder Handoo, AOR
Ms. Nidhi Jaswal, AOR
Mr. Rakesh Kumar-i, AOR
Mr. Parminder Singh Bhullar, AOR
M/S. Mukesh Kumar Singh And Co., AOR
Mr. Arjun D Singh, Adv.
Ms. Ankita Sharma, AOR
Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Vatsala Tripathi, Adv.
Mr. Yash Pal Dhingra, AOR
Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Senthil Jagadeesan, AOR

Mrs. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit P Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. H B Dubey, Adv.
Mr. Rahul Sethi, Adv.
Mr. Shashibhushan Nagar, Adv.
Mr. Sumant A Khan, Adv.
Mrs. Sona Khan, Adv.
Mr. Rajendra Anbhule, Adv.
Mr. Ashutosh Dubey, AOR

Mr. Chandra Prakash, AOR

Mr. Anuj Bhandari, AOR

Ms. Lubna Naaz, AOR
Mr. Nishant Kumar, Adv.

Ms. Shashi Kiran, AOR
Ms. Sangeeta Bhalla, Adv.

Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.

Mr. Raghvendra Kumar, AOR

Mr. Anando Mukherjee, AOR

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

1. Pursuant to this Court's order dated 16th October, 2024, the Chief Secretaries of the States of Punjab and Haryana are present today.

2. We have heard the learned counsel appearing for the parties on the implementation of our earlier orders and, in particular, the order passed by the Commission for Air Quality Management (for short, "the Commission") on 10th June, 2021.

3. As regards the implementation of the directions contained in paragraph 14 of the said order, today we have a scenario where both the Punjab and Haryana Governments have come out with a case that monitoring as required by clause (e) of paragraph 14 through Village Nodal Officers, Cluster Officers, Sub Divisional Officers, District level Officers and State Level Officers is now being done. However, the precise action taken by a large number of officers is not specifically placed on record.

4. It is claimed by the Chief Secretary of the Government of Haryana that this year, the instances of stubble burning have been reduced considerably. However, in the case of both Governments, we find that selective action is being taken against the wrongdoers. In some cases, the Governments claim that they have recovered compensation. In some other cases, they are claiming that they have registered First Information Reports. The environmental compensation that is stated to be recovered is minimal.

5. The learned Additional Solicitor General appearing for the Commission states that the Government of India has exercised power under Section 15 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (for short, "the Act") and has

adopted the formula laid down by the National Green Tribunal for fixing rates of compensation while framing Rules. Nothing is placed on record to show that the rule-making power has been exercised in terms of Section 15 of the Act prescribing the rates of compensation. The importance of Section 15 of the Act has to be understood in the context of the proviso to sub-section (1) of Section 14 of the Act, which excludes the farmers from the applicability of penal provisions. When such a concession is given to the farmers, power has to be exercised by the Government of India under Section 15 of the Act by framing rules and by providing appropriate Environmental Compensation. The Government cannot blindly rely upon the formula fixed by the National Green Tribunal.

6. We direct the Government of India to reconsider the issue and take action under Section 15 of the Act for prescribing proper rates of compensation. Section 15 of the Act talks about the manner of collecting compensation. Unless proper exercise of power under Section 15 of the Act is made, there cannot be any effective action against the wrongdoers. We expect the Government to take action within two weeks from today.

7. Another serious issue is flagged by the compliance affidavit filed by the State of Punjab. Our attention is invited to the amendment made to Section 15 of the Environment (Protection) Act, 1986 (for short "the

Environment Protection Act") by Jan Vishwas (Amendment of Provisions) Act, 2023. Section 15 as originally enacted provided that violation of provisions of the Environment Protection Act, the Rules framed thereunder, and the directions and orders passed thereunder was an offence. The provision of Section 15, which required prosecution of the wrongdoers, is substituted by a provision for recovery of penalty for contravention of provisions of the Environment Protection Act. This provision came into force on 1st April, 2024. The substituted Section 15 has been rendered completely ineffective due to inaction on the part of the Government of India. Neither the Rules are framed to support the said provision nor has the appointment of adjudicating officers as provided in Section 15C been made, though more than six months have elapsed since the date the substituted Section 15 came into force. As the adjudicating officers are not appointed under Section 15C, the law-enforcing machinery cannot impose penalties under Section 15. In the absence of machinery created by the Government of India, Section 15 as substituted has become toothless. There is nothing in the hands of law-enforcing authorities to strictly enforce the provisions of the Environment Protection Act. Therefore, those who violate the laws are now scot-free, as no action can be taken against them. The learned Additional Solicitor General assures the Court that the entire machinery will be brought into existence within

two weeks from today.

8. The inaction is reflected in the figures given across the bar. For example this year, there are 1084 identified cases of stubble burning in Punjab. However, compensation has been recovered from only 473 persons. As far as Haryana is concerned, 419 cases have been identified. First Information Reports have been lodged only against 93 of the wrongdoers, and nominal compensation has been recovered in the case of 320 wrongdoers. *Prima facie*, it appears to us that the penal provisions have not been consistently applied by both the States.

9. Under Section 14(1) of the Act, penal action has to be taken against those officials who have not implemented the directions issued under Section 12 of the Act. Instead of setting criminal law in motion, all that the Commission has done is to issue a show cause notices.

10. The time has come to remind the Government of India and the State Governments that every citizen has a fundamental right under Article 21 of the Constitution of India to live in a pollution-free environment. The stubble burning leads to huge air pollution. These are not matters only of implementing the existing laws; they are the matters of blatant violation of fundamental rights guaranteed under Article 21 of the Constitution of India. It is not only a question of implementing the orders of the Commission and taking action for breaches

of law; the Governments will have to address themselves to the question of how they will protect the right of citizens to live with dignity and in a pollution-free environment. Therefore, it is a high time that the Governments and the authorities note that this litigation is not an adversarial litigation and this litigation is only to ensure that the laws relating to the environment are strictly complied with so that the constitutional rights of the citizens are protected. We may also note here that coordination between the Commission and the authorities of the States is absolutely necessary.

11. As noted in the earlier orders, the most important statutory committee under the Act is not properly functioning because many members remain absent in the Committee meetings. It is this Committee which deals with the implementation of the orders passed by the Commission. Now, there is an assurance in the affidavit filed by the Union of India that necessary action will be taken, even to replace the members not attending the meetings.

12. Ms. Aparajita Singh, the learned senior counsel appointed as *amicus curiae*, is absolutely correct in submitting that year after year, this Court has passed directions to deal with the issue of stubble burning. In fact, she pointed out that creation of the Commission is as a result of the orders passed by this Court. She is right in submitting that despite the orders passed by

this Court, every year at the grass-root level there is no change.

13. We fully agree with the learned senior counsel appointed as amicus curiae, and we have put all concerned to notice that stricter action will have to be taken against those responsible for violations.

14. We direct the Government of India to immediately look into the proposal submitted by the State of Punjab for the release of additional funds so that provision for making available tractors with drivers and diesel can be made to those farmers whose holding is less than 10 hectares. We direct the Government of India to take appropriate decision on the proposal submitted by the State Government within two weeks from today.

15. The learned amicus curiae has rightly pointed out that the other aspects causing pollution in Delhi will have to be addressed. Those issues are broadly as under:

(a) There are 13 hot spots in Delhi already identified by EPCA where large-scale open burning of garbage/waste burning happens;

(b) Pollution created by transport in Delhi;

(c) Entry of heavy trucks in Delhi; and

(d) Pollution caused by industries.

16. This Court has issued a large number of directions on the aforesaid aspects from time to time. We direct the State Government of Delhi to examine all earlier

orders passed by this Court on the aspects mentioned above and submit a compliance report regarding all the directions within two weeks from today. Certain directions were also issued against the Central Government. The Government of India and all National Capital Region States shall file similar compliance affidavits.

17. For hearing on the subjects mentioned above and for reporting compliance with the directions issued today, list on 4th November, 2024 at the end of the Board.

18. The presence of the Chief Secretaries is dispensed with.

IA No.236055/2024

19. We direct the applicant to provide copies of the application to the learned counsel representing all the State Governments. We direct the State Governments to look into the suggestions made in the application.

20. List on 4th November, 2024 at the end of the Board.

IA No.231348/2024 and 158128/2019

21. List on 4th November, 2024 at the end of the Board.

IA Nos.88585/2020 and 16223, 16230, 16235 and 16236 of 2021

22. The Registry will ensure that copies of IA D.Nos.64377, 50346, 50347, 50349 and 50350 of 2020 are

placed before the Court on the next date.

23. List on 4th November, 2024 at the end of the Board.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER