

ITEM NO.8 Court 2 (Video Conferencing) SECTION PIL-W

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)

((1) IN RE: SMOG TOWERS AND STUBBLE BURNING(i) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)(ii) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(iii) IA NO. 78671/2020(Application on behalf of Chief Secretary, Government of Haryana seeking exemption from personal appearance on 20.08.2020 from 11 am to 2:30 pm.)(iv) IA NO. 78972/2020 (Application for exemption from appearance through video conferencing on 20.08.2020 on behalf of State of U.P.)(v) IA NO. 181745/2019 AND IA NO. 46339/2020(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF HARSHITA SINGHAL)(vi) REPORT NO. 110 AND 112 SUBMITTED BY EPCA REGARDING HOSPITAL WASTE MANAGEMENT IN COMPLIANCE OF DIRECTIONS DT. 06.3.2020 AND REPORT ON HOSPITAL WASTE MANAGEMENT FOR COVID-19 IN COMPLIANCE OF DIRECTIONS OF THIS HON'BLE COURT DT. 21.07.2020)(vii) IA NOS. 158128/2019 (APPLNS. FOR INTERVENTION ON BEHALF OF DR. KAUSHAL KANT MISHRA)(2) REPORT NO. 111 SUBMITTED BY EPCA (REPORT ON PILLING UP OF WASTE/GARBAGE BY THE SIDES OF RAILWAY TRACKS IN DELHI IN COMPLIANCE OF DIRECTIONS OF THE HON'BLE COURT DT. 28.02.2020)(3) IN RE: THREE WHEELERS(i) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NOS. 95 AND 105 SUBMITTED BY EPCA) (ii) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)(iii) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NYAY BHOOMI)(iv) IA NOS. 119813 AND 119815/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O BHARTIYA TIPAHIA CHALAK SANGH) (v) IA NO. 110238/2019 (APPLN. FOR MODIFICATION OF ORDER DT. 11.11.2011 ON BEHALF OF DELHI METRO RAIL CORPORATION LTD.)(4) IN RE: PARKING POLICY(i) REPORT NO. 104 SUBMITTED BY EPCA (REGARDING PARKING PLANS FOR KRISHNA NAGAR, KAMLA NAGAR, TECHNOLOGY FOR PARKING MANAGEMENT AND PLANS FOR LAST MILE CONNECTIVITY)(ii) REPORT NO. 108 SUBMITTED BY EPCA (REPORT ON STATUS OF IMPLEMENTATION OF PILOT PROJECTS ON PARKING MANAGEMENT AS DIRECTED BY THE HON'BLE SUPREME COURT ON SEPTEMBER 2, 2019)(5) REPORT NO. 109 SUBMITTED BY EPCA (RFID EXTENSION TO ALL ENTRY POINTS IN TO DELHI)(6) IN RE: PET COKE(i) IA NOS. 113743 AND 113750/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)

WITH

SMW(C) No. 3/2019 (PIL-W)
(FOR ADMISSION)

W.P.(C) No. 1333/2019 (PIL-W)
(FOR ADMISSION and IA No.170316/2019-EX-PARTE STAY and IA
No.170317/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

T.C.(C) No. 42/2019 (XVI-A)

T.C.(C) No. 41/2019 (XVI-A)

W.P.(C) No. 1426/2019 (PIL-W)
(FOR ADMISSION)

Date : 24-08-2020 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE M.R. SHAH

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

IN RE: SMOG TOWERS AND STUBBLE BURNING
REPORT NO. 106 SUBMITTED BY EPCA
(SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR
URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)

IA NO. 127792/2017 (DISPOSED OF)
(APPLN. FOR DIRECTIONS FILED BY A.C.)

IN RE : SMOG TOWERS

We have considered the undertaking filed in the form of a joint affidavit on behalf of the MoEF and Climate Change and CPCB. The undertaking contained in the joint affidavit cannot be termed to be an undertaking and is evasive and indicates that an effort is being made not to comply with the order.

The undertakings submitted cannot be said to be, as a matter of fact, undertakings which were expected to be filed. Similar is the state of affairs of the undertaking furnished by the Govt. of

NCT of Delhi. It is totally illusive. We have requested them to file proper undertaking and also to place on record, within two days from today, the correspondence which has taken place so far between the University of Miniosota or with its Licensee either by the IIT Bombay or Tata Consultancy or the Govt. of NCT of Delhi or Ministry of Environment.

List on 27.08.2020.

IN RE : STUBBLE BURNING

(a) It is submitted in the affidavit and the documents that in case the State Government proposes to undertake the field level trials of the Mixed Culture Inoculum (MCI) in the State of Punjab of the technology which has been developed by Agricultural Finance Corporation India Limited (AFC).

We have suggested them that in case the trial is done earlier than the actual harvesting and in case the technology is successful, they should implement it during the harvesting season. Mr. P. S. Narasimha, learned senior counsel, has assured us to take action and report to this Court with respect to trial to be undertaken before the harvesting season, on the next date of hearing.

(b) With respect to Cattle Food, utilization of the stubble for the purpose of providing cattle food, an administrative decision taken on 14.08.2020 has been placed on record. However, ground level preparation has not been undertaken as was ordered. Let the Chief Secretary to the State of Punjab place on record the preparation done by the Deputy Commissioner and the action taken by

them at the ground level for collecting the paddy in the rural areas. Details of such common lands, cattle ponds, gaushalas, availability be placed on record before the next date of hearing.

(c) We have noted the report regarding Bio Mass Projects near the hot spots. Let an effort be made by the Govt. of Punjab to establish adequate number of Bio Mass projects near the hot spots.

(d) Let the decision of the High Level Committee with respect to in-situ farming, incentives and dis-incentives, be placed on record. Thereafter, this matter will be considered on the next date of hearing.

(e) With respect to advertisement issued on 02.08.2020, the progress report be submitted before the next date of hearing.

(f) Dedicated Equipment

There is still no reservation of the dedicated equipment for small and marginal farmers. It is a clear violation of our order. It is submitted by Mr. P.S. Narasimha, learned senior counsel appearing for the State of Punjab, that the directions have been issued to give priority. That is not the order passed by this Court. Equipment dedicated for use by small and marginal farmers were to be reserved. Let the dedicated equipments be reserved for small and marginal farmers for the purpose of weeding/cutting of the stubble and compliance be reported before the next date of hearing.

(g) In order to ensure that the stubble burning does not take place this year, we have requested the Chief Secretary to call a joint meeting of various stakeholders within the State and various departments involved in it and to prepare a comprehensive plan and place the same before us before the next date of hearing and to take action as per the decision taken in the Conference held on 07.08.2020.

Let it be listed after fifteen days.

IN RE : CLOSING OF INDUSTRIES

With respect to closing of industries, let a further inspection with respect to 2279 industries be made by the concerned Pollution Board and a report be placed before this Court within a month. The matter to be considered thereafter.

HARYANA

We have heard the Chief Secretary to the State of Haryana. We have requested her to convene a meeting of all stakeholders within the State, as ordered in case of Punjab and place the action plan on record and submit the action taken with respect to various aspects pointed out in the affidavit and the ground level preparation before the next date of hearing, so as to ensure that no stubble burning takes place this year. Representatives of farmers may also be involved in the process.

DELHI

With respect to anti-smog guns, the Chief Secretary of Delhi has informed us that 21 anti-smog guns were installed before the previous date of hearing and after the last hearing upto date, 10

more anti-smog guns have been installed and they have stopped the functioning of other projects, till the anti-smog guns are installed.

Action taken is appreciated. Let further progress be reported to this Court on the next date of hearing.

With respect to the pollution in Delhi, we have requested the Chief Secretary to call for a meeting of the stakeholders in Delhi and to prepare an action plan to take care of the pollution and submit an action taken report to this Court before the next date of hearing. Representatives of farmers may also be involved in the process.

Let EPCA submit a report before the next date of hearing with respect to the hot spots which were identified last year and noted in the orders by this Court as well as with respect to the management of bio-medical waste.

With respect to the States of U. P. and Rajasthan, the Chief Secretaries are requested to prepare action plan to take care of matter of stubble burning and pollution and convene a meeting in this regard of the all the stakeholders and the concerned authorities to address the issue and submit an action taken report in this Court.

Let the Chief Secretaries to the States of U.P., Delhi, Rajasthan, Punjab and Haryana be available on the next date of hearing through Video Conferencing to answer any query which may be made by the Court.

IA NO. 78671/2020

(Application on behalf of Chief Secretary, Government of Haryana seeking exemption from personal appearance on 20.08.2020 from 11 am to 2:30 pm.)

AND

IA NO. 78972/2020

(Application for exemption from appearance through video conferencing on 20.08.2020 on behalf of State of U.P.)

These applications have been filed seeking exemption from appearance through video conferencing on 20.08.2020 on behalf of State of Haryana and State of U.P.

As the matter could not be taken up on 20.08.2020, these applications have become infructuous and are disposed of as such.

REPORT NO. 111 SUBMITTED BY EPCA

(REPORT ON PILLING UP OF WASTE/GARBAGE BY THE SIDES OF RAILWAY TRACKS IN DELHI IN COMPLIANCE OF DIRECTIONS OF THE HON'BLE COURT DT. 28.02.2020)

List on 27.08.2020.

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