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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015 & CM 35024/2016

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

..... Petitioner

Through Mr Kailash Vasdev, Senior Advocate,
Amicus Guriae with Mr Sumer Singh Sandhu,
Mr Divija Raj Khowa and Mr Umrao Singh Rawat.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr K.M.M. Khan, Adv. for application
Sanjay Colony, Bhati Mines.
Mrs Gunjan Jain, Adv. for NHAI.
Mr Sanjay Lao, ASC for Delhi Police.
Mr Vivek Goyal, CGSC for UOI.
Mr Sanjeev Ralli, Adv. with Dr Goerge, for DPCC.
Mr Dhanesh Relan, Adv. for DDA.
Mr Rahul Mehra, Adv. for GNCTD.
Mr Pawan Mathur, Adv. for DDA.
Mr Peeyoosh Kalra, Adv. for GNCTD.
Mr Aslam Khan, Adv.
Mr Anil Grover, Adv. for NDMC.
Mr Rahul Singhal, Adv. for EDMC.
Mr Ajay Digpaul, CGSC for UOI.
Mr Hargyan Singh Gahlot, Adv. in CM 35024/16.
Mr A. Sharma, Mr T.S. Nanda, Adv. for D.C.Board.
Mr Ajjay Aroraa, Adv. for MCD.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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29.09.2016

Mr Vasdev has shown us some of the figures of the recent WHO study. He shall file copies of the same. Although according to Dr George (Scientist-D), Government of NCT of Delhi, the figures may not be exactly

in sync with the ground realities but the position with regard to pollution in Delhi is still grave. In fact, we are approaching October and November which is the period of time when biomass burning and stubble burning takes place, particularly, after the second week of October, in the neighbouring States of Punjab, Haryana, Rajasthan and Uttar Pradesh. Of course, there is no doubt that stubble burning and biomass burning has been prohibited under various laws, yet each year we find that around the time of Deepawali and during the end of October beginning November Delhi is enveloped in a cloud of haze of which the largest component is smoke emanating from biomass burning and stubble burning in the neighbouring States. And, because of temperature inversion, this haze is of a low lying nature as it has no avenue of dispersion. We have seen this happening year after year despite the laws being in place. It primarily means that the laws are not being implemented. It is for this reason that we feel that the above mentioned States (through their Resident Commissioners) should be issued notices to be represented by advocates on the next date of hearing with the action plans of their respective States which have been put in place to ensure that this year onwards the stubble burning and biomass burning shall be minimised, if not eliminated altogether.

Consequently, we issue court notices to the State Governments of Punjab, Haryana, Rajasthan and Uttar Pradesh who shall be added as respondents. Mr Vasdev shall ensure that the amended memo of parties is

filed within a day. The notices shall go through the respective Resident Commissioners of the States so that they are represented on the next date of hearing with the relevant information.

Renotify on 06.10.2016 at 2.15 p.m.

A copy of this order will go along with the notices.

Dasti also.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

SEPTEMBER 29, 2016
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