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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, Sr. Adv. with Mr
Sumer Singh Sandhu & Mr Umrao Singh
Rawat, Amicus Curiae.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Anil Grover, ASG with Ms Noopur
Singhal, Adv. for State of Haryana.
Mr Asheesh Jain, Adv. for State of
Punjab.
Mr Ajay Digpaul, CGSC with Ms
Madhuri Dhingra, Adv. for UOI.
Mr Naginder Benipal, Adv. for PPCB.
Mr Anchit Sharma, Adv. with Ms
Satamita Ghosh & Mr T.S. Nanda, Adv.
for DCB.
Ms Komal Aggarwal, Adv. with Mr Anil
Mittal, Adv. for State of UP.
Mr Shiv Mangal Sharma, Adv. with Mr
Saurabh Rajpal & Mr Sitesh Narayan
Singh, Adv. for State of Rajasthan.
Mr Peeyoosh Kalra, ASC with Mr Shiva
Sharma & Ms Sona Babbar, Adv. for
GNCTD.
Mr Vivek Goyal, CGSC with Ms
Namisha Gupta, Adv. for UOI.
Mr Anil Grover, Standing counsel with
Ms Kanika Singh, ASC with Mr Rishi
Vohra, Adv. for NDMC.
Mr Rahul Singhal, Adv. with Mr
Gaurang Kanth, Adv. for EDMC.
Mr Pawan Mathur, Adv. for DDA.
Mr Sanjeev Ralli, Adv. with Mr S.M.

Ali, Spl. Secretary, Mr M.P. George, Sr. Scientist, Mr B.L. Chawla, SEE & Mr Dinesh Jindal, Law Officer & Mr Ravin Kapoor, Adv. for DPCC.
Mr K M M Khan, Adv. for applicant Sanjay Colony, Hati Mines.
Mr Sanjay Lao, ASC with Mr Siddharth Sindhu, Adv. for Delhi Police.
Ms Aslam Khan, DCP/Traffic/HQ.
Insp.Akhilesh Mishra, TT/Legal Cell.
SI Ram Tirth, Parvi Officer Traffic.
Ms Latika Chaudhary, Adv. for DTC.
Mr Mukesh Kumar, Adv. for NHAI.
Mr Ajjay Aroraa, Adv. with Mr Kapili Dutta & Ms Diksha Lal, Adv. for MCD.

+ W.P.(C) 2115/2015 & CM 7298/2015

SUDHIR MISHRA

..... Petitioner

Through None.

versus

MINISTRY OF HEALTH & FAMILY WELFARE & ORS.

..... Respondents

Through Ms Aslam Khan, DCP/Traffic/HQ.
Insp.Akhilesh Mishra, TT/Legal Cell.
SI Ram Tirth, Parvi Officer Traffic.
Mr Dhanesh Relan, Adv. with Ms Isha Garg, Adv. for DDA.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **06.10.2016**

The learned counsel for the State Governments of Punjab, Haryana, Rajasthan and Uttar Pradesh are present. They are aware of the directions of this Court as also of the National Green Tribunal with regard to the agricultural crop

residue/stubble burning. It is clear to everyone that as per law, agricultural crop residue/stubble burning is not permitted. The difficulty is with regard to the implementation. Despite repeated orders passed by the National Green Tribunal as well as this Court, this practice has gone on unabated and year after year Delhi is engulfed in a cloud of haze. The constituents of which are aerosols resulting from agricultural crop residue/stubble burning and dust. This happens each year from the middle of October till the whole month of November and results in serious pollution issues for the residents of the National Capital Region for several months. The effects of which are felt by the citizens who have difficulty in breathing. Children and the aged are the most effected as they develop respiratory problems. The pollution manifests itself in long term effects which tend to reduce the longevity of the citizens. This is particularly true for PM_{2.5} which is fine particulate matter that can be absorbed in the blood stream.

It is for this reason that preventive measures need to be taken and we must strike when 'the iron is hot' as it were. As such, we had requested the above mentioned states to be represented by counsel before us today. Since the understanding is clear and the objective is well-known to each of the states, we hope that the law is followed in letter and spirit and agricultural crop residue/stubble burning in each of the states is prevented by the respective Governmental agencies. We are making it clear that we will hold the Chief Secretaries of each of the states responsible in case these orders and the law are not implemented.

All the aforesaid state governments shall file their status reports with regard to the action taken by them to ensure that the above activity of agricultural crop residue/stubble burning is eliminated. The same be filed before the next date of hearing.

We are informed that there are 6 monitoring centres of DPCC and another 5 of CPCB. Apart from this, there are also 9 monitoring centres which are

operated by the Ministry of Earth Sciences. We direct all the agencies to ensure that data is recorded for the entire months of October and November and a comparative chart is placed before us comparing the current year's data with the previous year's data as also comparing with the data for the months of August and September. The interim reports should be filed before the next date of hearing.

Renotify on 20.10.2016 at 02:15 p.m.

Dasti under the signatures of the Court Master to all the counsel.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

OCTOBER 06, 2016/ab