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

+ W.P.(C) 1346/2015 & C.M. 35024/2016, 640/2017, 4383-84/2017, 8565/2017, 18856/2017, 26231-26233/2017 & 36912/2017

COURT ON ITS OWN MOTION
(AIR POLLUTION IN DELHI)

..... Petitioner

Through: Mr. Kailash Vasdev, Sr. Adv. with
Mr. Sumer Singh Sandhu, Ms.
Limayinla Jamir and Ms. Divija
Rajkhowa, Advs. for Amic Curiae

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Vivek Goyal, CGSC with Mr.
Rajeev Ranjan Shahi and Ms.
Namisha Gupta, Adv. for UOI
Mr. Ajay Digpaul, CGSC for UOI
Mr. Sakya Singh Chaudhuri and Mr.
Shivam Sinha, Adv. for State of
Punjab
Mr. Tarveen Singh Nanda and Mr.
Rahul Singhal, Advs. for Delhi Cantt.
Board
Ms. Avnish Ahlawat with Ms. Palak
Rohmetra, Advs. for DTC
Mr. Sanjeev Ralli and Mr. B.L.
Chawla, Advs. for DPCC
Mr. Naushad Ahmed Khan, ASC with
Ms. V. Tripathi and Ms. Ritu Kumar,
Advs. for NCT of Delhi
Ms. Gunjan S. Jain and Mr. Mukesh
Kumar, Advs. for R-19
Mr. Ajjay Aroraa & Mr. Kapil Dutta,
Advs. for SDMC & NDMC
Mr. Anil Grover, Standing Counsel,
Mr. Mishal Vij, Ms. Noopur Singhal



and Mr. Tushar Sanu, ASG for New Delhi Municipal Corporation
Ms. Eshita Baruah, Adv. for Mr. Gaurang Kanth, Advs. for EDMC
Mr. H. Singh, Adv. in CM 35024/2016 and 36912/2017
Ms. Shaheen, Adv. for NTPC
Mr. Anil Mittl and Ms. Komal Aggarwal, Advs. for State of UP
Insp. Ajay Kr. PS Vivek Vihar and Insp. Akhilesh, Traffic Circle, Legal Cell and SI Ram Tirath, Pairvi Officer
Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal and Ms. Shikha Sandhu, Adv. for State of Rajasthan

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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09.11.2017

1. It was submitted by learned Amicus Curiae – who mentioned yesterday for urgent listing of this petition in view of the extremely poor air quality level in the NCT of Delhi; that the respondent authority should report to the Court on an emergent basis, what steps have been taken. He suggested that the Chief Secretary of the States of Punjab, Haryana, Uttar Pradesh, Rajasthan and Delhi as well as Secretary of National Planning Board and the Secretary of Environment Forest and Climate Change Ministry; should meet on emergent basis and present a joint report to the Court as to the emergency steps to be taken in the next two weeks to bring down the air pollution level in the NCT of Delhi and the Delhi NCR regions.



2. All the counsels submitted that with regard to the particulate air levels, which are upto 20 times beyond the hazard level, emergent steps should be addressed and taken by the concerned authorities, especially Govt. of NCT of Delhi and the local bodies/municipal authorities to ensure the following:

- i) Cleaning and appropriately washing of the roads so as to ensure that dust settles down;
- ii) immediately issue ban on the felling of all trees;
- iii) strictly enforce the ban on civil construction activities to ensure that construction dust and particulate substances do not come to the already polluted atmosphere;
- iv) the authorities be directed to ensure that the hospitals are appropriately equipped to deal with emergency situations as a consequence of high level pollution specially having regard to the vulnerability of children and senior citizens. In this regard, it is suggested that the Delhi Govt. as well as Union Govt. on urgent basis should conduct a survey in the hospitals to ensure that adequate steps are taken.

3. Counsel for Govt. of NCT of Delhi as well as DPCC submitted that direction was issued to the Govt. of NCT of Delhi on 12 points; including requirement of closure of all hot mix plants and all stone crushers and also intensifying public transport service to ensure that there are more buses on the roads. It is submitted that in the meeting



held on 08.11.2017 further directions were issued; including strict enforcement of ban on entry of truck traffic into Delhi (except essential commodities) and also intensifying mechanical road washing, sprinkling of water and to stop brooming activities on main roads. Copies of the directions issued by the EPCA and the further directions issued under the directions of Lt. Governor of Delhi are hereby taken on record.

4. Having heard the counsels for the parties, the following directions are given:

- (i) the respective Chief Secretaries of the States concerned listed above as well as the Union Secretaries, shall hold a meeting immediately in the next three days and work out a joint short term action plan to ensure that the air quality level comes down within acceptable limits. A brief report in that regard should be filed in Court. The said officials should also consider the feasibility of “cloud seeding”. The meeting shall be called and chaired by the Union Secretary, Ministry of Environment Forest and Climate Change.
- (ii) Apart from ensuring the active implementation of all the points by EPCA under Delhi Pollution Control Committee, the Court is of the opinion that watering of roads, to prevent dust contamination should be immediately undertaken. Furthermore, within the next three months all open ‘dug ups’ and pits etc. should be filled by the local authorities as well as Govt. of NCT



of Delhi.

- (iii) The Govt. of NCT of Delhi should seriously consider complete ban on further civil construction activities to the extent that is feasible, for a short while.
 - (iv) The Delhi Police shall ensure zero tolerance of traffic violations so that there is no congestion. For effective implementation, the Delhi Police should also provide masks to the traffic police personnel to ensure their safety.
 - (v) The Delhi Govt. should also consider, on immediate basis, 'Odd-even vehicle movement scheme' as was done in the past, as a short term measure with appropriate exemptions as again in the past.
5. List on 16.11.2017. Previously given date i.e. 13.11.2017 is hereby cancelled.
6. *Dasti* under signatures of the Court Master.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 09, 2017
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