

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 &amp; ORS.

Respondent(s)

[TO BE TAKEN UP AT 12:00 NOON] ..... IN  
RE: BAN ON USE OF FIRECRACKERS AND IN RE: STUBBLE BURNING AND IN  
RE: VEHICULAR POLLUTION NAME OF THE FOLLOWING ADVOCATES MAY BE  
TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR.  
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SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP  
KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES

Date : 06-05-2025 This petition was called on for hearing today.

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

IA Nos.56399/2025 and 56401/2025 - (FOR INTERVENTION AND EXEMPTION FROM FILING O.T.)

1. IA No.56399/2025 seeks relief against unauthorised firecracker manufacturing, storing, selling etc. within the State of West Bengal. In this Public Interest Litigation, we are not dealing with the issues concerning the State of West Bengal. Hence, the applications are rejected.

2. However, the remedies of the applicant are kept open.

IN RE: VEHICULAR POLLUTION

3. We have taken on record two documents. The first is a brief note of measures taken by the Commission for Air Quality Management (for short, "the CAQM") and the second is an Index of relevant Office Memorandum and letters with respect to the issue of usage of electric

vehicles by the Government. Direction Nos. 88 and 89 issued by the CAQM on 23<sup>rd</sup> April, 2025 constitute a very welcome step in a right and positive direction. We need to issue directions for implementation of direction Nos. 88 and 89. We also need to issue directions for implementation Advisory No.17 issued by the CAQM on 2<sup>nd</sup> May, 2025.

4. In the meanwhile, we direct the concerned State Governments and public authorities who are represented before us to place on record the data of electric vehicles purchased by these entities during the last five years. While placing the data before the Court, total number of vehicles hired or leased during this period shall also be placed on record. As far as the Union of India is concerned, data of five years shall be collected by the Department of Expenditure.

5. In the meanwhile, the CAQM and the other authorities will respond to the directions sought in the note prepared for today's hearing by the learned Amicus Curiae.

6. List on 15<sup>th</sup> May, 2025 at 2.00 p.m.

**IN RE: BAN ON USE OF FIRECRACKERS**

7. Now, we are dealing with the issue of ban on manufacturing, sale and use of firecrackers in the National Capital Region. Directions were issued by this Court under the order dated 3<sup>rd</sup> April, 2025. The

Government of Delhi has filed an affidavit of compliance in which reliance is placed on the directions issued under Section 5 of the Environment Protection Act, 1986 dated 19<sup>th</sup> December, 2024 by which a complete ban is imposed on manufacturing, storage, selling (including delivery through online marketing platforms) of all kind of firecrackers and bursting of firecrackers in National Capital Territory of Delhi throughout the year.

8. We direct the States of Uttar Pradesh, Rajasthan and Haryana to issue similar directions under Section 5 of the Environment Protection Act, 1986 in relation to the areas falling in the National Capital region. Such direction shall be issued within a maximum period of one month from today.

9. Once such directions are issued, it follows that not only the orders of this Court but the directions issued under Section 5 of the Environment Protection Act, 1986 must be strictly implemented and enforced by all the law enforcing machineries of the States. The State of Rajasthan has filed an affidavit setting out the steps taken to create a machinery and mechanism for enforcing the ban on firecrackers. The State of Delhi has taken certain steps by issuing letters dated 7<sup>th</sup> January, 2025.

10. As expressed earlier, these State Governments shall not only ensure strict implementation of the ban on firecrackers but must create a machinery to implement the orders of this Court as well as the directions under

Section 5 of the Environment Protection Act, 1986. These States shall create a Grievance Redress Mechanism which will enable the citizens to complain about the violation of the directions regarding ban on firecrackers. Even this machinery providing for Grievance Redress Mechanism shall be created within a period of one month from today.

11. We make it clear that breach of directions under Section 5 of the Environment Protection Act, 1986 shall be taken to its logical conclusion by ensuring that penalty as provided under Section 15 of the Environment Protection Act, 1986 is imposed on the violators. We also make it clear that the failure on the part of the officials of these Governments and other entities to implement the directions issued by this Court will invite an action under the Contempt of Courts Act, 1971. Comprehensive compliance shall be filed by all the State Governments forming part of the National Capital Region with these directions and earlier directions issued by this Court by 15<sup>th</sup> July, 2025.

12. We also direct the State Governments to periodically give wide publicity to the ban on firecrackers imposed by this Court as well as under the directions issued under Section 5 of the Environment Protection Act, 1986. Publicity to the availability of grievance redressal mechanism shall also be given.

13. At this stage, the learned counsel appearing for the State of Haryana pointed out that even the State of Haryana has filed an affidavit in terms of the directions issued in terms of this Court's order dated 28<sup>th</sup> February, 2025. He stated that an order under Section 5 of the Environment Protection Act has already been issued.

IN RE: STUBBLE BURNING

14. As far as the issue of stubble burning is concerned, our attention is invited to this Court's order dated 3<sup>rd</sup> April, 2025 and, in particular, paragraphs 21 and 22. In response to that, now there is an affidavit filed by the Union of India through the Secretary of the Ministry of Agriculture and Farmers Welfare.

15. In view of the stand taken in the affidavit, we permit the State of Punjab to file a proper application seeking directions against the Union of India to release the funds. Only after such an application is made, proper adjudication can be made. Needless to add that grounds for entitlement to receive the grant from the Union of India shall be made out in the application.

16. We direct the State Governments of Punjab, Haryana and Uttar Pradesh to report compliance with the directions contained in paragraph 18 of the order dated 3<sup>rd</sup> April, 2025.

**IN RE: ISSUE OF SMOG TOWERS**

17. This issue will be considered on 15<sup>th</sup> May, 2025 at  
2.00 p.m.

**(ANITA MALHOTRA)  
AR-CUM-PS**

**(AVGV RAMU)  
COURT MASTER**