

VERDICTUM.IN

ITEM NO.14

COURT NO.7

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) IA NOS. 134634 AND 134636/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) AND CONDONATION OF DELAY ON B/O GENERAL INSURANCE COUNCIL)

2) IA NOS. 109640, 109643 AND 118243/2020 (APPLNS. FOR INTERVENTION, APPEAR AND ARGUE IN PERSON AND DIRECTION)

3) IA D. NO. 88585/2020 AND 16223, 16230, 16235, 16236/2021 (APPEAL AGAINST REGISTRARS ORDER, CONDONATION OF DELAY IN FILING, CONDONATION OF DELAY IN REFILEING, DIRECTIONS, PERMISSION TO APPEAR AND ARGUE IN PERSON)

4) IA NOS. 322 AND 765/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS)

5) IA NOS. 4637 AND 5749/2024 (APPLNS. FOR MODIFICATION AND PERMISSION)

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Date : 22-04-2024 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

1. With the assistance of the learned Additional Solicitor General, we have perused the report submitted by the Commission for Air Quality Management (CAQM) in National Capital region and adjoining areas.
2. Before we deal with the report, the learned Amicus Curiae has handed over a chart across the Bar showing number of vacant posts in Statutory Pollution Control Boards of various States. The figures in the chart are reproduced below:

Data from Report submitted by the CPCB to
the NGT in OA 693/2022 on 22.11.2023

Status of manpower of SPCBs/PCC

| SPCBs/PCC in the NCR | Sanctioned | In place | Vacant |
|----------------------------|------------|----------|--------|
| Delhi PCC | 344 | 111 | 233 |
| Haryana SPCB | 450 | 165 | 285 |
| Rajasthan SPCB | 808 | 332 | 476 |
| Uttar Pradesh SPCB | 732 | 407 | 325 |
| All India (all PCCs/SPCBs) | 11,969 | 5877 | 6092 |

3. We direct the aforesaid four States to respond immediately by filing an affidavit setting out the number of vacant posts, as of today, and the steps taken for filling in the vacant posts.

4. We also direct the State of Punjab represented by its Advocate General to do the same thing.

5. Needful shall be done by the States within two months from today. Only for considering this aspect, the petition shall be listed on 10th July, 2024.

Report of CAQM on Municipal Solid Waste in Delhi

6. One of the shocking features of the report submitted by CAQM is the finding that though the average daily generation of Municipal Solid Waste (MSW) in Delhi is around 11,000 tonnes, the capacity of the present waste processing plants is only to the extent of about 8,000 tonnes per day. Therefore, in the capital city, every day, 3,000 tonnes of MSW is generated which cannot be processed. Obviously, that is adding to the pollution. The Solid Waste Management Rules, 2016 (the 2016 Rules) are in place for the last eight years. Even in the capital city, sadly, there is non-compliance with the 2016 Rules. For dealing with this important issue, notices will have to be issued to the concerned parties.

7. Municipal Corporation of Delhi is represented today by the learned senior counsel Mr.S.Wasim A.Qadri who will take instructions on this aspect.

8. We issue notice to the New Delhi Municipal Corporation and Cantonment Board, Delhi. The notices are made returnable on 13th May, 2024. A copy of this order shall be forwarded along with the notice.

9. The Registry to serve the notices to the standing counsel, if any, representing the said authorities.

10. Before the next date, the concerned authorities of the Government of India and the State Government shall call a meeting of officials of the three authorities and all other concerned authorities which are responsible for implementation of the 2016 Rules.

11. In the report, it is stated that the Urban Development Department is responsible for implementation of the 2016 Rules. Therefore, we direct the Urban Development Department of the Government of India as well as Delhi Government to convene a meeting as stated above. A concrete action plan shall be devised and placed before this Court on 13th May, 2024.

12. We direct the Commission to submit a comprehensive report on this aspect regarding non-compliance of 2016 Rules in Delhi.

Other issues

13. Apart from various other issues which can be considered on the basis of report, we are highlighting the following issues:

(a) Some authority must verify whether all construction sites involved in construction and demolition (C&D) activities have been registered on respective web portals;

(b) There are number of non-compliant C&D activities site. However, action of closure appears to have been initiated only against selected few. Dust pollution is created by C&D activities and therefore, stricter action is required against the non-compliant C&D sites;

(c) We need to examine in detail the issue regarding prevention and control of stubble burning/farm fires. Before we deal with that issue, we direct the Commission to place on record a copy of statutory directions dated 12th April, 2024 referred in paragraph 36 of the report; and

(d) The Commission shall also place on record the manner in which Enforcement Task Force is functioning and the details of the powers and duties of the Task Force.

14. For considering the aforesaid aspects, the petition shall be listed on 13th May, 2024.

15. Interlocutory Applications which are listed today shall also be listed on 13th May, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER