

ITEM NO.16 Court 1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1135/2020

ADITYA DUBEY (MINOR) & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 100093/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 16-10-2020 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Kumar Dubey, Adv.
Ms. Deepika Kalia, Adv.
Mr. Satya Prakash, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Navzanjay Mahaptra, Adv.
Ms. Archana Pathak Dave, Adv.

Mr. P.S. Narsimha, Sr. Adv.
Mr. Atul Nanda, Advocate General, Punjab,
Ms. Uttara Babar, AOR
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Adv.

Mr. Chirag M. Shroff, Adv.

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

Learned counsel for the petitioners is permitted to implead

the State of Uttar Pradesh as a party.

Learned standing counsel for the State of Uttar Pradesh shall be served with a copy of the petition.

Mr. Vikas singh, learned senior counsel appearing for the petitioners pointed out that there is a grave concern about the quality of air in the National Capital Region and that the quality is dropping rapidly. This is due to several factors, including the practice of stubble burning in the neighbouring States of Punjab, Haryana and Western Uttar Pradesh and certain activities in the NCR of Delhi.

Mr. P.S. Narsimha, learned senior counsel appearing for the State of Punjab and Mr. Anil Grover, learned Additional Advocate General appearing for the State of Haryana have pointed out that several steps have been taken by the States for stopping stubble burning in the fields of Punjab and Haryana including the development of an App. which can help in identification and notification of the particular field in which someone has burnt stubble.

Mr. Vikas Singh, learned senior counsel points out that in spite of many measures which are said to have been taken, there is a reported increase in the amount of stubble burning and that is increasing the pollution in NCR of Delhi.

At this stage, we are not inclined to make an assessment as to the effectiveness of the measures taken by respective States. We

are confident that each measure has been taken by the authorities with the intention of alleviating the problem of pollution. Nonetheless, it is necessary that there must be some monitoring of stubble burning with a view to its prevention before it assumes abnormal proportions. Accordingly, we find that the suggestion of Mr. Vikas Singh that a former Judge of this Court who is aware of the problem be appointed to monitor the situation in the States of Punjab, Haryana, Uttar Pradesh and NCR of Delhi, is acceptable.

We, accordingly, accept the suggestion and appoint Hon'ble Mr. Justice Madan Lokur, a former Judge of this Court to act as the one man Monitoring Committee to monitor the measures taken by the States to prevent stubble burning. For this purpose, we consider it appropriate to direct that the Chief Secretaries of the States of Punjab, Haryana and Uttar Pradesh and NCR of Delhi shall assist Justice Madan Lokur and enable physical surveillance of fields where stubble is likely to be burnt and devise additional means and methods for preventing the burning of stubble. We find that it would be fitting, if services of National Cadet Corps, NSS and Bharat Scouts and Guides, wherever available, are deployed for assisting in the monitoring of stubble burning in the agricultural fields in these States. We trust that the authorities in-charge of these forces shall enlist their services to the extent possible, to assist the one man Justice Lokur Committee for this purpose.

In addition, we direct that the teams already in existence in the States, which are meant for the purpose of preventing stubble burning shall report to and take instructions from Justice Lokur

Committee for this purpose.

We accordingly direct that the States of Punjab, Haryana and Uttar Pradesh provide adequate facilities to the Committee for carrying out its job including, secretarial assistance, transportation and security, if necessary.

If so found necessary by the Committee, the States shall provide adequate transportation to to those whose services are enlisted by Justice Lokur Committee for petrolling the highways and surveying the stubble burning in the fields or in any other manner.

The Committee shall submit fortnightly report to this Court at the initial stages or as and when found necessary.

The Authorities such as EPCA shall also render assistance to the Committee and provide any information sought for by the Committee.

We make it clear that appointment of this Committee and the directions in this order are not intended to dilute the powers, functions and the authority of any authorities such as EPCA, already created. The object of appointing a Committee is more to facilitate and coordinate the activities of different authorities so that the problem is resolved. The different authorities created by the States/Centre, shall also be free, to carry on their own activities, without feeling muted by the appointment of the Committee.

Let the matter be listed on 26.10.2020.

**(GULSHAN KUMAR ARORA)
AR-CUM-PS**

**(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR**