

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) NOTE ON BEHALF OF AMICUS CURIAE ON AIR QUALITY MONITORING DATA.

WITH

TRANSFERRED CASE (CIVIL) NO(S). 148/2025 (XVI-A)

Date : 19-11-2025 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

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

ISSUE REGARDING AIR QUALITY IN DELHI

1. In pursuance to our order dated 17.11.2025, Ms. Aishwarya Bhati, learned Additional Solicitor General of India (ASG) informs the Court that a meeting was convened by the Secretary, Ministry of Environment, Forest and Climate Change (MOEF&CC) and it was attended by the senior officers from all the concerned States including the Chief Secretaries of the States of Uttar Pradesh,

Haryana, Punjab, the National Capital Territory (NCT) of Delhi and the Additional Chief Secretary of the State of Rajasthan. Additionally, the Chairpersons of Commission for Air Quality Management (CAQM) and Central Pollution Control Board (CPCB) were also present for the said meeting, which was conducted on 18.11.2025.

2. Learned ASG has placed a note showing various short-term and long-term measures, which are being implemented to control the pollution. The same is taken on record.

3. Ms. Aprajita Singh, learned *Amicus Curiae* has raised a concern that though, in principle, there are measures in place, the reality on ground shows that such measures have not been effectively executed to reduce pollution. She therefore submits that the issue lies in the implementation of the measures adopted.

4. She has also raised an issue with regard to non-filling of the vacancies in the Pollution Control Boards across the State.

5. Ms. Shyel Trehan, learned senior counsel appearing on behalf of the Association of Construction Workers working in all the National Capital Region (NCR) States submits that though almost a week has passed after the Graded Response Action Plan (GRAP)- 3 regulations have been brought into force, subsistence allowance has not yet been paid to the workers.

6. In our order dated 17.11.2025 we had already expressed a concern that on account of ban on construction activities, the labourers who depend on the same are deprived of their livelihood. However, we are informed that the States are enjoined to pay subsistence allowance to them.

7. We, therefore, direct all the States falling within the NCR region to take instructions with regard to payment of subsistence allowance and to inform the Court about the same on the next date.

8. Insofar as implementation of the various measures is concerned, we are of the view that it will be appropriate that this court, rather than pressing the matter when the pollution is at its peak, should regularly monitor the same so that the implementation of preventive measures and review of the same can be done periodically.

9. We, therefore, find that it would be appropriate that the matter is listed on a monthly basis, wherein the Action Taken Reports of the MOEF&CC, CAQM and the various States are reviewed by this Court regularly.

10. Ms. Bhati, learned ASG has also handed over a note on behalf of CAQM, which is taken on record. As per the said note, the CAQM proposes to put some of the activities prohibited under GRAP-3 to GRAP-1/GRAP-2 period.

11. We are of the considered view that any pro-active action by the CAQM aimed at reducing the air pollution level would always be welcome. However, we expect from the CAQM that while taking such a decision, they must consider all the factors and take the various stakeholders on board. Subject to above, the suggestions of CAQM in the note mentioned above are accepted.

12. The notes submitted on behalf of both MOEF&CC and CAQM are directed to be placed on record.

13. The learned *Amicus Curiae* has also raised a concern over most of the schools in the NCR Region having their sports

events/competitions in the months of November and December, which is the period during which the air quality deteriorates sharply, and the Air Quality Index (AQI) is poor/severe. It is further submitted that this would amount to virtually putting the school going children in a "gas chamber".

14. We, therefore, request the CAQM to take into consideration this aspect of the matter and issue necessary directions to the concerned States so that the sports events/competitions/activities could be shifted to safer months.

15. List the matter on 10.12.2025.

16. Since one of us (B.R. Gavai, Chief Justice of India) is sitting in the proceedings in W.P.(C) NO.13029/1985 for the last time, we place on record our deep appreciation for Ms. Aprajita Singh, Ms. Uttra Babbar and Ms. Shibani Ghosh, learned *Amicus Curiae* in assisting this Court for a long period of time and ensuring that the environmental issues with regard to pollution are addressed by this Court. Without their valuable assistance, this Court could not have discharged its duties in the manner in which the Constitution mandates.

17. We also place on record our deep appreciation for Ms. Aishwarya Bhati, learned ASG for not treating this an adversarial litigation and assisting the Court in passing pro-active orders.

TRANSFERRED CASE (CIVIL) NO(S). 148/2025

1. As per the order dated 17.11.2025 passed by this Court, proceedings which were pending before the High Court of Punjab and Haryana (C.W.P. No.24772/2023) were transferred to this Court and

the same is registered as Transferred Case No.148/2025.

2. The State of Punjab as well as the Union of India are on same page that the order of interim stay passed by the High Court of Punjab and Haryana is detrimental to the measures taken for the reduction of pollution in the State of Punjab.

3. By the order passed by the High Court of Punjab and Haryana dated 06.11.2025, the High Court had stayed the notification issued by the State of Punjab directing use of paddy straw pallets as a fuel in Brick Kilns.

4. Nobody can dispute that the emission from paddy straw pallets is much lower as compared to the emission from coal, which is being used on account of the interim order passed by the High Court of Punjab and Haryana.

5. We, accordingly, stay the order passed by the High Court of Punjab and Haryana dated 06.11.2025.

6. Learned counsel for the petitioner in C.W.P. No.2472 of 2023 submits that the members of Paddy Straw Pallets Manufacturers Association purchase the straw pallets from the farmers at the rate of Rs.1/- to Rs.2/-. However, it is later sold to the deep cleaning manufacturers at an exorbitant rate of Rs.12/- to Rs.13/-.

7. We permit the petitioners to make a representation to the State Government in that regard.

8. If the State Government finds that by virtue of monopolization of sale of the paddy straw pallets by one association, the members of the Brick Kiln Association are being prejudiced, the State would, accordingly, consider taking appropriate action on such representation.

9. To be taken up along with W.P.(C) No.13029/1985 (with the issue relating to Air Quality).

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
ASSISTANT REGISTRAR

Encl: Notes, as above, are enclosed.