

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
Original Application No.663 of 2023**

**IN RE: News Item published in Indian Express dated
07.10.2023 titled *GRAP stage 1 kicks in as air quality
dips to poor, condition likely to prevail till Sunday***

SRISHTI MISHRA
ADVOCATE FOR COMMISSION FOR AIR QUALITY
MANAGEMENT IN NATIONAL CAPITAL REGION AND
ADJOINING AREAS

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
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NEW DELHI
DATED:17.07.2025

FILED BY:

THROUGH

Srishti Mishra

SRISHTI MISHRA
D/3829/2018
ADVOCATE FOR COMMISSION FOR
AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
Original Application No.663 of 2023**

**IN RE: News Item published in Indian Express dated
07.10.2023 titled *GRAP stage 1 kicks in as air quality
dips to poor, condition likely to prevail till Sunday***

**STATUS REPORT IN COMPLIANCE OF ORDER DATED
03.07.2025 REGARDING GRAP ORDER ON BEHALF
OF COMMISSION FOR AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION & ADJOINING AREAS**

MOST RESPECTFULLY SHOWETH:

1. The Hon'ble NGT vide its Order dated 03.07.2025 in OA No.663 of 2023 in the matter titled as – News Item published in Indian Express dated 07.10.2023 titled “GRAP Stage 1 kicks in as air quality dips to poor condition likely to prevail till Sunday” *inter alia* directed as under:

“1. Learned counsel appearing for the CAQM seeks two weeks’ time to place on record the GRAP order and the order of the Hon’ble Supreme Court in this regard.

2. List on 29.07.2025.”

2. That in compliance of the said order dated 03.07.2025 of this Hon'ble Tribunal, the Answering Respondent humbly submits that the Hon'ble Supreme Court heard and decided the matters related the GRAP on various occasions. In this context it is respectfully submitted that W.P. (C) No. 13029 of 1985 titled as M.C. Mehta vs. Union of India and Ors., was listed before the Hon'ble Supreme Court of India on 28.11.2024 wherein, the Hon'ble Court directed the Commission for Air Quality Management in National Capital Region & Adjoining Areas (hereinafter referred to as "Commission") to hold a meeting and come out with their suggestions about moving from GRAP-IV to GRAP-III or GRAP-II. The Hon'ble Court further noted that it is not necessary that all measures which are provided in GRAP-IV should be dispensed with and there can be a combination of measures in GRAP-III and GRAP-IV.

The copy of the order dated 28.11.2024 is annexed herein as **ANNEXURE-I**.

3. It is humbly submitted that on 02.12.2024, the issue of GRAP was listed for hearing before the Hon'ble Supreme Court. The Hon'ble Court in respect of the compliance report filed by the Commission directed the Commission to take further steps for communicating the mitigating measures to all concerned Authorities and to coordinate an effort to ensure that these mitigating measures are actually implemented. The Hon'ble Court further noted that suggestion for modification of applicability of GRAP-IV, will be heard on 5th December, 2024.

The copy of the order dated 02.12.2024 is annexed herein as **ANNEXURE-II**.

4. It is humbly submitted that on 05.12.2024, the Hon'ble Supreme Court dealt with the question of the

measures under the GRAP. The Hon'ble Court, *inter alia*, directed as under:

"8. We have perused the figures of AQI from 18th November, 2024 till 4th December, 2024. Upto 30th November, 2024, the AQI levels were consistently above 300 and it is only during the last four days that the AQI levels have come down below 300. It is true that at some stage, the Court will have to leave it to the Commission to decide about the applicability of Stages under the GRAP.

9. Considering the data placed before us which we have referred above, we do not think that it will be appropriate, at this stage, to allow the Commission to go below Stage-II of the GRAP. Perhaps, further monitoring on the part of this Court is necessary. Though we permit the Commission to go down to Stage-II for the present, it will be appropriate if the Commission considers of incorporating certain additional measures which are part of Stage-III of the GRAP. While we permit the Commission to do

so, we must record here that if the Commission finds that the AQI goes above 350, as a precautionary measure, Stage-III measures will have to be immediately implemented. If the AQI crosses 400 on a given day, Stage-IV measures will have to be reintroduced.

10. Further directions on this aspect will be issued on 12th December, 2024 at 3:30 p.m.”

The copy of the order dated 05.12.2024 is annexed herein as **ANNEXURE-III**.

5. It is humbly submitted that the issue of GRAP was again listed on 12.12.2024, wherein the Hon'ble Court, inter alia, directed that *“As regards the applicability of the stages of Graded Response Action Plan (GRAP), we direct that the directions contained in paragraphs 8 and 9 of our last order dated 5th December, 2024 will continue till further orders.”* It is further submitted that the Commission filed a Note dated 11.12.2024. The Hon'ble Court approved the

recommendations of the Sub-Committee as mentioned in paragraph 4 to 6 of the Note dated 11.12.2024. The Hon'ble Court, inter alia, directed the Commission *"The Commission will now proceed to implement the modified GRAP as set out in Annexure 1 to the said note."* Accordingly, the revised schedule of GRAP as approved by the Hon'ble Supreme Court was issued by the Commission vide order dated 13.12.2024.

The copy of the Note dated 11.12.2024 filed by the Commission is annexed herein as **ANNEXURE-IV**.

The copy of the order dated 12.12.2024 is annexed herein as **ANNEXURE-V**.

6. It is humbly submitted that the matter related to GRAP was again listed on 19.12.2024. The Hon'ble Court, inter alia, directed that *"We leave it to the CAQM to permit activities as provided in clause (i) of the said order at an appropriate stage. We also*

reiterate that the directions issued in paragraphs Nos. 8 and 9 of this Court's order dated 5th December, 2024 will continue to operate.”

The copy of the order dated 19.12.2024 is annexed herein as **ANNEXURE-VI**.

7. It is humbly submitted that the matter related to GRAP was again taken up on 17.02.2025, wherein the Hon'ble Court, inter alia, directed as follows:

“...For the time being, we relax the directions under paragraphs 8 and 9 of the order dated 5th December, 2024. Now, the CAQM will implement comprehensive GRAP schedule as already approved by this Court by order dated 12th December, 2024. In case the AQI exceeds 300, we direct the learned amicus curiae to mention the matter for seeking appropriate directions from this Court...”

The copy of the order dated 17.02.2025 is annexed herein as **ANNEXURE-VII**.

8. It is most humbly submitted that as per the GRAP schedule dated 13.12.2024 issued by the Commission, the GRAP for the entire NCR has been classified under 4 different stages of adverse air quality in Delhi viz. Stage – I ‘Poor’ (AQI 201 – 300), Stage – II ‘Very Poor’ (AQI 301-400), Stage – III ‘Severe’ (AQI 401-450) and Stage – IV ‘Severe +’ (AQI >450) respectively.

The copy of the GRAP for NCR dated 13.12.2024 is annexed herein as **ANNEXURE-VIII**.

9. It is further submitted that the Sub-Committee on GRAP constituted by the Commission is required to meet frequently to plan for advance action and issue necessary orders for invoking various provisions of the GRAP, based on following:

- i. The prevalent air quality and meteorological conditions as per detail provided by IMD and
 - ii. Meteorological condition and air quality forecast provided by by IMD/ IITM, Pune based on the dynamic model
10. It is respectfully submitted that actions under various stages of the GRAP are required to be invoked in advance of the AQI of Delhi reaching to the projected levels of that stage, based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis. However, even if the AQI forecasts do not indicate the AQI of Delhi to be breaching a particular threshold and under extreme meteorological conditions or due to any episodic event the AQI breaches the threshold, that particular stage of the GRAP shall be invoked with immediate effect in respect of actions / measures that can be invoked immediately.

11. It is most humbly submitted that in view of the
aforementioned facts this Hon'ble Tribunal may
kindly be pleased to pass such Order(s) as may be
deemed fit and proper in the facts and circumstances
of the case.

NEW DELHI
DATED: 17.07.2025

FILED BY:

COMMISSION FOR
AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS

THROUGH



SRISHTI MISHRA
D/3829/2018
ADVOCATE FOR COMMISSION FOR
AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
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Original Application No.663 of 2023**

**IN RE: News Item published in Indian Express dated
07.10.2023 titled *GRAP stage 1 kicks in as air
quality dips to poor, condition likely to prevail till
Sunday***

AFFIDAVIT

I, Dr. Vikas Singh aged about 44 Years, S/o Shri Raghunath Singh, working as Scientist 'E' in Commission for Air Quality Management in National Capital Region and Adjoining Areas do hereby solemnly affirm and declare as under:

1. That I am Scientist 'E' in the Commission and am well conversant with the facts and circumstances of the present case, hence competent to swear this affidavit.
2. That I have read and understood the contents of the present Status Report in compliance of order dated 03.07.2025 on behalf of the CAQM and state that the averments made therein are true and correct to



V/S

डॉ. विकास सिंह / Dr. Vikas Singh
वैज्ञानिक - ई / Scientist - E
राष्ट्रीय वायुमय प्रदूषण नियंत्रण आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली / New Delhi-110001

the best of my knowledge and belief as derived from the official record.

3. That no material fact has been concealed therefrom.

MS

DEPONENT

डॉ. विकास सिंह / Dr. Vikas Singh
वैज्ञानिक-ई / Scientist - E
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
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17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली / New Delhi-110001

IDENTIFIED BY
Abdusshauq LA, CA&M

VERIFICATION

Verified at New Delhi on this the 17 day of July, 2025 that the contents of above affidavit are true and correct to my knowledge and belief.

MS

DEPONENT

डॉ. विकास सिंह / Dr. Vikas Singh
वैज्ञानिक-ई / Scientist - E
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
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नई दिल्ली / New Delhi-110001



17 JUL 2025

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

ITEM NO.45

COURT NO.5

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3.30 P.M.] ----- IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND IMPLEMENTATION OF GRAP IV 1) I.A. NO. 269389/2024 (APPLICATION FOR INTERVENTION) 2) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. YASH S VIJAY, MR. SAURABH AGRAWAL ADVOCATES)

Date : 28-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Ms. Aparajita Singh, Sr. Adv. (Amicus Curiae)
Mr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)
Mr. Siddhartha Chowdhury, Adv. (Amicus Curiae)
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Mr. Ishank Ranjan, Adv.

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 Ms. Indira Bhakar, Adv.

Ms. Manisha Chava, Adv. (Court Commissioner)
 Mr. Abhinav Aggarwal, Adv. (Court Commissioner)
 Ms. Srishti Mishra, Adv. (Court Commissioner)
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Petitioner-in-person

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Mr. Rajesh Kumar Chaurasia, AOR

Mr. Radha Shyam Jena, AOR

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

1. We had a glance at the second report of the Court Commissioners. What both reports depict is the abject failure of the various authorities to implement Graded Response Action Plan (for short, "the GRAP")-IV measures in its true letter and spirit. There are violations pointed out in both the reports. We request the Court Commissioners to supply the copies of both the reports to the learned counsel representing the States and other stake holders. We expect the States to make a statement before us about the action which they propose to take in

case of breaches which are specifically pointed out by the Court Commissioners.

2. We continue the appointment of the Court Commissioners.

3. We accept the suggestions made by the Court Commissioners and direct the Transport Department of Delhi Government and the Delhi Pollution Control Committee to appoint Nodal Officers for the purposes of facilitating the work by the Court Commissioners.

4. Immediate issue which needs to be addressed is that the trucks are allowed to enter the limits of Delhi and then after travelling some distance, they are taking U-turn to go back to the place from where they have arrived. This issue also needs to be addressed.

5. We make it clear that all GRAP-IV measures except the measures which are modified in respect of the schools will continue to operate till Monday i.e. 2nd December, 2024.

6. We clarify that as far as clause (1) of Stage IV ('Severe +' Air Quality) of GRAP is concerned, there is a complete ban on the entry of all trucks in Delhi except the following categories:

- (a) The trucks carrying essential commodities;
- (b) The trucks providing essential services; and
- (c) All LNG/CNG/Electric/BS-VI diesel trucks.

7. There are no other exceptions admissible under clause (1) of Stage IV. Therefore, if any authority has issued any instructions which run contrary to the above, the same will not bind the Police and other staff posted at the entry points.

8. In the meanwhile, the Commission for Air Quality Management (for short, "the Commission") will hold a meeting and come out with their suggestions about moving from GRAP-IV to GRAP-III or GRAP-II. We also make it clear that it is not necessary that all measures which are provided in GRAP-IV should be dispensed with. There can be a combination of measures in GRAP-III and GRAP-IV. The suggestions of the Commission with reasons shall be placed before the Court on Monday i.e. 2nd December, 2024.

9. We are informed that our directions in paragraph 4 of the order dated 25th November, 2024 has not been implemented by any of the National Capital Region States. We direct the compliance to be made with the said directions at the earliest and in any case on or before Monday i.e. 2nd December, 2024.

10. Our attention is invited to the compliance report filed by the Commission. Show cause notices have been issued to the various functionaries for taking action under Section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (for short, "the Act"). The action needs to be expedited.

11. Our attention is also invited to an article appearing in India Today of 27th November, 2024 which records that a Land Records Officer and others admitted that they were advising the farmers to burn stubble after 4.00 p.m. to avoid satellite detection. We are not accepting the correctness of this news item. But if it is correct, it is very serious. The State officials cannot permit any farmer to take advantage of the fact that at present, only those farm fire activities are being detected which take place during few hours of the day. The Government of Punjab shall immediately issue instructions to all the officials not to indulge in any such activities.

12. In terms of paragraph 5 of our last order, the Commission will issue the necessary directions consisting of mitigating measures as suggested by us in paragraph 5.

13. The learned Additional Solicitor General appearing on behalf of the Union of India states that the clarification issued by the Director (Technical) of the Commission on 28th November, 2024 will be withdrawn.

14. To be listed at the end of the cause list on 2nd December, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

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). 13029/1985

M.C. MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND IMPLEMENTATION OF GRAP IV 1) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. SAURABH AGRAWAL ADVOCATES)

Date : 02-12-2024 This matter 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. We find that none of the NCR States, namely Delhi, Haryana, Rajasthan and Uttar Pradesh, have reported compliance with our earlier order regarding payment of subsistence amount to the construction workers. None of the NCR States have pointed out to us that even a penny has been paid so far. We direct the Chief Secretaries of these States to remain present through video conference on 5th December, 2024 at 3:30 p.m. In the meanwhile, the NCR States are free to file their compliance affidavits.

2. We make it clear that unless substantial compliance with actual payment of amounts to the construction workers is reported, we will have to consider of initiating an action under the Contempt of Courts Act, 1971 against the erring officers.

3. A compliance report dated 2nd December, 2024 is tendered across the Bar by Ms. Aishwarya Bhati, learned ASG, on behalf of the Commission for Air Quality Management (for short, "the Commission"). In paragraph 15 of the compliance report, the Commission has stated the mitigation measures which the Commission

has decided to implement. We direct the Commission to take further steps for communicating these mitigating measures to all the concerned Authorities and to coordinate an effort to ensure that these mitigating measures are actually implemented.

4. As regards the suggestion for modification of applicability of GRAP-IV, we will hear the parties on this aspect on 5th December, 2024 at 3:30 p.m. On that day, we will also examine the AQI levels and find out whether there is any downward trend. Some of the relaxations have been suggested by the Commission in the compliance report dated 2nd December, 2024. We will hear the parties on those measures and pass an appropriate order.

5. Very shocking things are revealed from all the five reports filed by the Court Commissioners. We find that there is a complete lack of coordination amongst the stakeholders like Municipal Corporation of Delhi, Delhi Government, Delhi Police, Police Authorities and Delhi Pollution Control Committee when it comes to implementation of all GRAP measures. It is the responsibility of the Commission to coordinate activities of all these entities with a view to ensure that GRAP measures are implemented. As far as the entry points are concerned, needless to add that all the entry points must be manned. However, it is for the Delhi Police to take a call and ensure that wherever more police presence is needed, necessary postings are made. The Delhi Police will make rational use of the Police force. As we have stated earlier, the Commission will have to coordinate the effort of all the agencies involved and ensure that adequate manpower is deputed at the entry points.

6. We must place on record the commendable work done by the Court Commissioners appointed by this Court. The reports tendered today show that they have even risked their lives and faced threats. They faced the situation for discharging their duties. Firstly, we refer to the report prepared by Shri Manan Verma and in particular paragraphs 2 to 4 of the report. We direct the Delhi Police to file a report to this Court setting out the action taken by the Police.

7. Secondly, we have also perused the report submitted by Shri Jatin Kumar and Ms. Savi Nagpal. We direct Shri Balram Singh, Station House Officer of Police Station Baba Hari Dass Nagar, to file his response as to what is stated in the report. We direct him to personally remain present in the Court on 5th December, 2024.

8. Another shocking thing which is revealed from the report is that the employees of the Toll Contractor by using WhatsApp, are communicating the movement of the Court Commissioners. The Delhi Government to immediately take an action in this regard. In the same report, an instance of stubble burning has been pointed out.

9. We cannot allow the members of the Bar to risk their lives as the reports indicate that some of them were subjected to threats. We, therefore, give an option to the Court Commissioners. Only those who want to continue the work entrusted to them can continue. Those Court Commissioners, who desire to continue to work, will send an e-mail to the Nodal Officer appointed by the Delhi Police. We direct that protection of armed policemen shall be given to

those Court Commissioners by the Delhi Police and the armed Police shall be given clear instructions that they will not communicate the movement of the Court Commissioners to anyone. We make it clear that it is the responsibility of the Delhi Police to ensure that the members of the Bar, who are acting as Court Commissioners, are adequately protected.

10. We direct the Commission to constitute a team of officers to go through reports submitted by the Court Commissioners and take up the issues of non-compliance with the concerned Authorities and stakeholders so that an action can be immediately initiated on the basis of the defaults pointed out by the Court Commissioners. On 5th December, 2024, we will consider the question of paying a reasonable remuneration to the Court Commissioners.

11. We have perused the earlier orders passed by this Court from time to time dealing with the issues which arose from October to January every year. We propose to go into all the aspects of pollution and try to find out permanent solutions. The permanent solutions will have to be found out in respect of stubble burning and various other causes of pollution. We request Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae to prepare a note on these issues within a period of two weeks from today so that we can assign dates for considering these issues.

12. The Municipal Corporation of Delhi will also consider of suspending the golden passes issued to the vehicles whose entry has been prohibited under GRAP-IV.

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13. We permit the Delhi Government to carry out the work of repair of sewage and work of repair of only those roads which are in bad condition. However, we make it clear that not a single vehicle shall be used for these purposes which is not permissible in accordance with law.

14. List the Petition on 5th December, 2024 at 3:30 p.m.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

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 SWRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3:30 P.M.]----- IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND MODIFICATION OF APPLICABILITY OF GRAP IV 1) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. SAURABH AGRAWAL ADVOCATES)

Date : 05-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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Mr. Siddhartha Chowdhury, Adv.(Amicus Curiae)
Ms. Shibani Ghosh, Adv.
Mr. Ishank Ranjan, Adv.

Mr. Aditya N. Prasad, Adv./Court Commissioner
(Co-ordinator)
Mr. Manan Verma, Adv./Court Commissioner
Mr. Pratyush Jain, Adv./Court Commissioner
Mr. Jatin Kumar, Adv./Court Commissioner
Mr. Sumit Kumar, Adv./Court Commissioner
Ms. Savi Nagpal, Adv./Court Commissioner

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Ms. Natasha Maheshwari, Adv.
Mr. Prannv Dhawan, Adv.
Ms. Rooh-e-hina Dua, AOR
Mr. Mudit Gupta, AOR
Ms. Sakshi Kakkar, AOR
Ms. Shagun Matta, AOR
Mr. Gaurav, AOR

Mr. Gopal Jha, AOR

Mr. Shishir Deshpande, AOR

Mr. D. Kumanan, AOR

Ms. Deepa S, Adv.

Mr. Sheikh F Kalia, Adv.

Mr. Veshal Tyagi, Adv.

Mr. Chinmay Anand Panigrahi, Adv.

Ms. Pritha Srikumar Iyer, AOR

Mr. Vikas Mehta, AOR

Mr. Niraj Gupta, AOR

Mrs. Anshu Gupta, Adv.

Mr. Mukesh Kumar Jain, Adv.

Ms. Divya Roy, AOR

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Mr. Sandeep Kumar Jha, AOR

Mr. Shiv Mangal Sharma, A.A.G.

Ms. Nidhi Jaswal, Adv.

Ms. Shalini Singh, Adv.

Mr. Saurabh Rajpal, Adv.

Ms. Puja Sharma, AOR

Mr. Gautam Narayan, AOR

Mr. Neeraj Kumar Gupta, AOR

Mr. Danish Zubair Khan, AOR

Mr. Ajay Vikram Singh, AOR

Mr. K. Paari Vendhan, AOR

Mr. Gurminder Singh, AG Punjab, Sr. Adv.

Mr. Rahul Mehra, Sr. Adv.

Mr. Prashant Manchanda, A.A.G.

Mr. Vivek Jain, D.A.G.

Mr. Karan Sharma, AOR

Mr. Shekhar Kumar, AOR

Mr. Rajan Narain, AOR

Mr. Ayush Sharma, AOR

Mr. Anurag Kishore, AOR

Ms. Mayuri Raghuvanshi, AOR

Dr. Brij Bhushan K Jauhari, Adv.

Mr. Deepak Jyoti Ghildiyal, Adv.

Mr. Harsh Mahan, Adv.

Mr. Satya Vir Singh Rana, Adv.

Ms. Purnima Jauhari, AOR

Mr. Hiren Dasan, AOR

Ms. Malvika Kapila, AOR

Mr. Gaurav Kejriwal, AOR

Mr. Sameer Abhyankar, AOR

Mr. Rahul Kumar, Adv.

Mr. Aryan Srivastava, Adv.

Mr. Aakash Thakur, Adv.

Ms. Jaikriti S. Jadeja, AOR

Ms. Astha Tyagi, AOR

Mr. Sunil Fernandes, AOR

Mr. Kuldip Singh, AOR

Ms. Anushree Prashit Kapadia, AOR

Mr. Ketan Paul, AOR

Dr. Ram Sankar, Adv.

Mrs. Harini Ramsankar, Adv.

Ms. Sujatha Bagadhi, Adv.

Mr. G Anandan, Adv.

Mr. B Sasikumar, Adv.

M/S. Ram Sankar & Co, AOR

Mr. Ajay Pal, AOR

Mr. Dhananjaya Mishra, AOR

Mr. Rahul Khurana, AOR

Mr. S. S. Shroff, AOR

Ms. Madhumita Bhattacharjee, AOR

Ms. Debarati Sadhu, Adv.

Ms. Srija Choudhury, Adv.

Mr. Anas Tanwir, AOR
 Mr. Vikrant Singh Bais, AOR
 Mr. Soumya Dutta, AOR
 Mr. Sameer Kumar, AOR
 Mr. Gurmeet Singh Makker, AOR
 Mr. Gaurav Choudhary, AOR
 Mr. Ravindra Kumar, Sr. Adv.
 Mr. Shivam Saxena, Adv.
 Mr. Vipin Kumar Saxena, Adv.
 Mr. Binay Kumar Das, AOR
 Ms. Priyanka Das, Adv.
 Ms. Neha Das, Adv.
 Mr. Vikas Bharti, Adv.
 Mr. V P Pandey, Adv.
 Mr. Rajiv Yadav, AOR
 Mr. Vipin Nair, AOR
 Mr. Rishi Matoliya, AOR
 Mr. D. Abhinav Rao, AOR
 Mr. Durga Dutt, AOR
 Mr. Avijit Mani Tripathi, AOR
 Mr. T.K. Nayak, Adv.
 Ms. Marbiang Khongwir, Adv.
 Mr. Daniel Lyngdoh, Adv.
 Ms. Rashmi Malhotra, AOR

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

IN RE: SUBSISTENCE ALLOWANCE

1. Firstly, we deal with the issue of payment requisite amount for subsistence to construction workers. The Chief Secretary of the Delhi Government is present through video conference. He states that a sum of Rs.2,000/- (Rupees Two Thousand) each has been

paid 90,693 workers who have been registered on the portal and remaining amount of Rs.6,000/- (Rupees Six Thousand) will be paid immediately. However, the Delhi Government has made no efforts to inform other eligible construction workers that they will be entitled to receive subsistence amount if they register themselves on the portal. Perhaps, from what the Chief Secretary said before us, it appears to us that the Delhi Government was not aware that there may be much more workers than 90,693 registered on the portal. We direct the Delhi Government to immediately convene a meeting of all the unions of the construction workers and appeal to them to instruct the eligible workers to register themselves on the portal.

2. As far as the State of Rajasthan is concerned, two districts have been affected. There are 3,526 identified workers, out of which, only 2,063 have been paid the amount. However, the learned counsel appearing for the State is not clear about how much amount has been paid to each worker. These details must be placed on record before the next date. Apart from making complete payment to the identified workers, the directions which are issued in the case of Delhi Government will also apply to the Government of Rajasthan.

3. As far as the State of Haryana is concerned, total 14 districts have been affected. There are 2,57,000 registered workers on the portal, out of which 1,06,000, who applied for help, have been paid the amount at the rate of Rs.423.14 per day. The directions which are issued to the Delhi Government will also apply

to the State of Haryana, which will ensure that those who have not registered themselves, will also register themselves so that they can get the benefit of subsistence amount.

4. As far as the State of Uttar Pradesh is concerned, 08 districts have been affected and as of today, 4,88,246 workers are registered on the portal. Unfortunately, only 8,000 have been paid till yesterday. Even the Government of Uttar Pradesh could not specify how much amount is being paid to each worker. Apart from taking steps which we have directed in the case of Delhi Government, we direct the Government of Uttar Pradesh to ensure that all the eligible workers are paid the money immediately.

5. As regards the payment of compensation by way of subsistence allowance, the concerned Governments will file further affidavits on or before the next date. The personal presence of the Chief Secretaries of the NCR States is dispensed with.

IN RE: GRADED RESPONSE ACTION PLAN MEASURES

6. Now we deal with the question of the measures under the Graded Response Action Plan (for short, "the GRAP").

7. Ms. Aishwarya Bhati, learned ASG, has tendered across the Bar a brief note prepared by the Commission. The note indicates that the average AQI levels from 30th November till 4th December, 2024 were 346, 285, 280, 268 and 178 respectively. Therefore, her submission is that now even Stage-I of the GRAP will not apply. Her further submission is that in view of the improvement in the

situation, the applicability of the GRAP measures be left to the Commission.

8. We have perused the figures of AQI from 18th November, 2024 till 4th December, 2024. Upto 30th November, 2024, the AQI levels were consistently above 300 and it is only during the last four days that the AQI levels have come down below 300. It is true that at some stage, the Court will have to leave it to the Commission to decide about the applicability of Stages under the GRAP.

9. Considering the data placed before us which we have referred above, we do not think that it will be appropriate, at this stage, to allow the Commission to go below Stage-II of the GRAP. Perhaps, further monitoring on the part of this Court is necessary. Though we permit the Commission to go down to Stage-II for the present, it will be appropriate if the Commission considers of incorporating certain additional measures which are part of Stage-III of the GRAP. While we permit the Commission to do so, we must record here that if the Commission finds that the AQI goes above 350, as a precautionary measure, Stage-III measures will have to be immediately implemented. If the AQI crosses 400 on a given day, Stage-IV measures will have to be reintroduced.

10. Further directions on this aspect will be issued on 12th December, 2024 at 3:30 p.m.

11. Considering the scope of this Petition, we are of the view that Ms. Aparajita Singh, learned Senior Advocate appointed as

Amicus Curiae, is overburdened. Therefore, we leave it her to give her suggestions so that we can appoint few other members of the Bar as Amicus Curiae. Ms. Aparajita Singh, learned Amicus Curiae, is free to give her suggestions by sending an email so that appropriate orders can be passed.

12. We make it clear that the appointment of the Court Commissioners will continue so long as the GRAP measures are in force and they are free to submit their reports to this Court in terms of the earlier orders. The orders passed by this Court earlier regarding giving protection to the Court Commissioners will continue to operate.

13. We direct the Delhi Government to pay the remuneration to the Court Commissioners which is payable to the Panel 'B' counsel fixed by the Union of India. The Delhi Government to take action immediately.

14. We are informed that while issuing show-cause notices to those who violated the GRAP norms, the Delhi Pollution Control Committee has named the Court Commissioners appointed by this Court in the notices. None of the authorities who are taking action for violation of the GRAP norms shall incorporate the names of the Court Commissioners hereafter.

15. Shri Balram Singh, Station House Officer of Police Station Baba Haridas Nagar, New Delhi is present in the Court who has tendered an affidavit. The copies thereof be supplied to the

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concerned Court Commissioners, who can submit their response on the next date. For the time being, the personal presence of Shri Balram Singh is dispensed with.

(ASHISH KONDLE)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W.P. (C) NO.13029 OF 1985

IN THE MATTER OF:

M. C. MEHTA

....PETITIONER

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

Brief Note on behalf of the CAQM with respect to the Hon'ble
Supreme Court's order dated 05.12.2024 in WP (C) No. 13029 of
1985 titled as M. C. Mehta Vs. Union of India & Ors.

FILED ON: 11.12.2024

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W.P. (C) NO.13029 OF 1985**

IN THE MATTER OF:

M. C. MEHTAPETITIONER
VERSUS
UNION OF INDIA & ORS.RESPONDENTS

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DATE: 11.12.2024
NEW DELHI

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W.P. (C) NO.13029 OF 1985**

IN THE MATTER OF:

M. C. MEHTA

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**Brief Note on behalf of the CAQM with respect to the
Hon'ble Supreme Court's order dated 05.12.2024 in
WP (C) No. 13029 of 1985 titled as M. C. Mehta Vs.
Union of India & Ors.**

MOST RESPECTFULLY SHOWETH:

1. This brief note is placed before this Hon'ble Supreme Court, in compliance of Order dated 05.12.2024 in the matter.

2. This Hon'ble Court in its Order dated 05.12.2024, inter alia, noted as under:

"...Though we permit the Commission to go down to Stage-II for the present, it will be appropriate if the Commission considers of incorporating certain additional measures which are part of Stage-III of the GRAP. While we permit the Commission to do so, we must record here that if the Commission finds that the AQI goes above 350, as a precautionary measure, Stage-III measures will have to be immediately implemented. If the AQI crosses 400 on a given day, Stage-IV measures will have to be reintroduced.

10. Further directions on this aspect will be issued on 12th December, 2024 at 3:30 p.m..."

3. In respectful compliance of the above, particularly for the additional measures to be incorporated under Stage-II of the GRAP, the Sub-Committee on GRAP held its meeting on 6th December, 2024.

4. The Sub-Committee proposed that the following action points presently under Stage-III of the GRAP, may be incorporated under Stage-II of the GRAP:
 - (i) Action Point No. 1: “Further intensify the frequency of mechanised sweeping of roads”.

 - (ii) Action Point No. 2: “Ensure daily water sprinkling along with dust suppressants, before peak traffic hours, on roads and right of ways including hotspots, heavy traffic corridors and ensure proper disposal of the collected dust in designated sites/ landfills”.

- (iii) Action Point no. 3: "Further intensify public transport services. Introduce differential rates to encourage rates of peak travel"

 - (iv) Action Point No. 10: "Do not permit inter-state buses from NCR states, other than EVs / CNG / BS-VI Diesel, to enter Delhi (excluding buses / Tempo Travellers operated with All India Tourist Permit)".
5. Further, owing to availability of certified ECDs now for DG sets upto 41 kW capacity, as against only up to 62 kW capacity and higher earlier, the schedule for emission control from DG sets at Action Point No. 6 of Stage-II was also proposed to be amended accordingly.
6. The Sub-Committee further proposed to slightly amend the Action Point No. 11 of Stage-II as under:

“Resident Welfare Associations to necessarily provide electric heaters to staff engaged in security, sanitation, horticulture and other miscellaneous services to avoid open Bio-Mass/MSW burning during winters”

7. The Sub-Committee, after detailed deliberations, considering the above noted changes, proposed for further revision of the comprehensive GRAP Schedule which was submitted before this Hon'ble Court by the way of compliance report dated

02.12.2024.

A copy of the proposed comprehensively revised Schedule of GRAP is annexed at **Annexure-I**.

8. The current trend of AQI in Delhi since revocation of GRAP Stage-IV and invoking Stage-II w.e.f. 05.12.2024 is tabulated as under:

Date	AQI
5 th Dec	165
6 th Dec	197
7 th Dec	233
8 th Dec	302
9 th Dec	186
10 th Dec	234
11 th Dec	199

VK
11/12/2021

FILED BY:

डॉ. विकास सिंह / Dr. Vikas Singh
वैज्ञानिक - ई / Scientist - E
राष्ट्रीय सफाई क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17^{वीं} मंजिल, जवाहर व्यापार भवन (एसटीसी बिल्डिंग), टोलस्टोय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली / New Delhi-110001

**Commission for Air Quality Management
in National Capital Region and Adjoining Areas**

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
W.P. (C) NO.13029 OF 1985

IN THE MATTER OF:

M. C. MEHTAPETITIONER
VERSUS
UNION OF INDIA & ORS.RESPONDENTS

AFFIDAVIT

I, Vikas Singh aged about 44 Years, s/o Shri Raghunath Singh working as Scientist E in Commission for Air Quality Management in National Capital Region and Adjoining Areas do hereby solemnly affirm and declare as

under:-

1. That I am Scientist E in the Commission and am well conversant with the facts and circumstances of the present case, hence competent to swear this affidavit.



2. That I have read and understood the contents of the accompanying Compliance Report on behalf of the Commission with respect to the directions of the Hon'ble Supreme Court in order dated 05.12.2024 in WP (C) No. 13029 of 1985 titled as M. C. Mehta Vs. Union of India & Ors. and state that the averments made therein are true and correct to the best of my knowledge and belief as derived from the official record.

3. That no material fact has been concealed therefrom.

IDENTIFIED BY
 Name of Advocate Srishti Mishra
 Enrl. No. D/3829/2018



V.S. 11/12/2024

DEPONENT

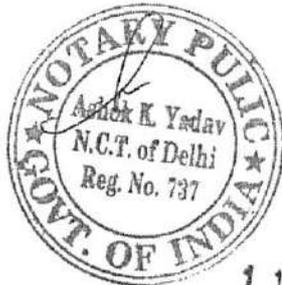
डॉ. विकास सिंह / Dr. Vikas Singh
 वैज्ञानिक-ई / Scientist - E
 राष्ट्रीय वायुमय प्रदूषण नियंत्रण आयोग
 Commission for Air Quality Management in NCR & Adjoining Areas
 भारत सरकार / Government of India
 17वीं मंजिल, जवाहर व्यापार भवन (एच.टी.सी. बिल्डिंग), टॉलस्टोय मार्ग,
 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
 नई दिल्ली / New Delhi-110001

VERIFICATION

Verified at _____ on this the ____ day of _____
 2024, that the contents of above affidavit are true and
 correct to my knowledge and belief.

ATTESTED

 NOTARY PUBLIC
 GOVT OF INDIA



V.S. 11/12/2024

DEPONENT

डॉ. विकास सिंह / Dr. Vikas Singh
 वैज्ञानिक-ई / Scientist - E
 राष्ट्रीय वायुमय प्रदूषण नियंत्रण आयोग
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 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
 नई दिल्ली / New Delhi-110001

11 DEC 2024

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

**GRADED RESPONSE ACTION PLAN (GRAP)
FOR THE NATIONAL CAPITAL REGION (NCR)**

(DRAFT Revision: 06.12.2024)

1. The GRAP for the entire NCR has been classified under 4 different stages of adverse air quality in Delhi viz. Stage – I ‘Poor’ (AQI 201 – 300), Stage – II ‘Very Poor (AQI 301-400), Stage – III ‘Severe’ (AQI 401-450) and Stage – IV ‘Severe +’ (AQI >450) respectively.
2. Based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis, actions under Stages I, II, III and IV of the GRAP shall be invoked in advance of the AQI of Delhi reaching to the projected levels of that stage, also provided that the higher projected AQI levels are likely to sustain for longer period.
3. Even if the AQI forecasts do not indicate the AQI of Delhi to be breaching a particular threshold and under extreme meteorological conditions or due to any episodic event the AQI breaches the threshold, that particular stage of the GRAP shall be invoked with immediate effect in respect of actions / measures that can be invoked immediately.
4. Restrictive actions undertaken as per previous stages shall be continued, in addition to the air pollution stage under which the restrictive actions are envisaged to be taken. For example, restrictive actions under the Stage III category, whenever invoked, shall be in addition to those under Stage I and II respectively and so on and so forth.
5. The Sub-Committee on GRAP constituted by the Commission shall meet frequently to plan for advance action and issue necessary orders for invoking various provisions of the GRAP, based on the prevalent air quality and the AQI forecast to be provided by IMD from time to time. The Sub-Committee shall also review the actions taken by various agencies responsible towards effective implementation of the GRAP.
6. The Chief Secretaries of NCR States and GNCTD shall frequently review the actions and implementation of the GRAP especially when the air quality falls or is likely to fall in the ‘Severe’ or ‘Severe +’ category (Stage III and beyond).
7. The Commission may decide upon any exceptions and additional measures to the schedule of the GRAP, under different air pollution categories i.e., Stages I to IV, as per the prevalent AQI and weather forecast.

Schedule under the GRAP for NCR

Stage I – ‘Poor’ Air Quality (DELHI AQI ranging between 201-300)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Ensure proper implementation of Directions/ Rules/ guidelines on dust mitigation measures in Construction and Demolition (C&D) activities and sound environmental management of C&D waste.</p> <p>2. Ensure strict compliance of Direction Nos. 11-18 dated 11.06.2021 and do not permit C&D activities in respect of such projects with plot size equal to or more than 500 sqm which are not registered on the ‘web portal’ of the respective state / GNCTD and / or which do not fulfil the other requirements as per the above noted statutory directions, for remote monitoring of dust mitigation measures.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Construction agencies and plot owners (both public & private).
<p>3. Ensure regular lifting of Municipal Solid Waste (MSW), Construction & Demolition (C&D) waste, and Hazardous wastes from dedicated dump sites and ensure that no waste is dumped illegally in open land areas.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies - Construction agencies (both public & private).
<p>4. Carry out periodic mechanized sweeping and water sprinkling on roads and ensure scientific disposal of the dust collected in designated sites/landfills.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies.

<p>5. Ensure that C&D materials & waste are properly stored/ contained, duly covered in the premises. Ensure transportation of C&D materials and C&D waste only through covered vehicles.</p> <p>6. Strictly enforce the statutory directions and yardsticks for use of anti-smog guns at C&D sites, in proportion to the total built-up area of the project under construction.</p> <p>7. Intensify use of anti-smog guns, water sprinkling and dust suppression measures in road construction / widening / repair projects and maintenance activities.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - All road owning / maintenance agencies in NCR.
<p>8. Stringently enforce prohibition on open burning of bio-mass and municipal solid waste. Impose maximum EC upon violations in accordance with Hon'ble NGT's orders dated 04.12.2014 and 28.04.2015 in OA 21/2014.</p> <p>9. Strict vigil to ensure that there are no burning incidents in the landfill sites / dumpsites.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies.
<p>10. Deploy traffic police for smooth traffic flow at all identified corridors with heavy traffic and congestion prone intersections.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Traffic Police in Delhi and NCR towns.
<p>11. Strict vigilance and enforcement of PUC norms for vehicles.</p> <p>12. No tolerance for visible emissions – Stop visibly polluting vehicles by impounding and / or levying maximum penalty.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>13. Strictly enforce the Hon'ble Supreme Court order on diversion of non- destined truck traffic for Delhi, through Eastern and Western Peripheral Expressways.</p>	<ul style="list-style-type: none"> - Head of Traffic Police of NCT of Delhi and NCR towns. - DMs /Dy Commissioners of NCT of Delhi / NCR towns - Municipal Commissioner of Corporations of NCT of Delhi and NCR towns.

<p>14. Strictly enforce NGT / Hon'ble SC's order on overaged diesel / petrol vehicles and as per extant statutes.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>15. Ensure strict penal/ legal action against non-compliant and illegal industrial units.</p> <p>16. Stringently enforce all pollution control regulations in Industries, brick kilns and hot mix plants etc. - strict compliance of the prescribed standards of emissions.</p> <p>17. Ensure that only approved fuels are used by the industries in NCR including in brick kilns and hot mix plants and enforce closure in case of violations, if any.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of NCT of Delhi / NCR Towns - Commissioners of Urban Local Bodies in Delhi and NCR towns.
<p>18. Stringently enforce emission norms in thermal power plants and strict actions be taken against non-compliance.</p>	<ul style="list-style-type: none"> - Plant in- charge of Power Plants located within 300 km radius of Delhi. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>19. Strictly enforce Hon'ble Courts / Tribunal orders regarding ban on firecrackers.</p>	<ul style="list-style-type: none"> - Commissioner of Police of Delhi & IG / DIG / SP of NCR towns or Officer In charge of Licensing. - DMs/ DCs of respective districts in NCR. - Chief controller of Explosives, Petroleum and Explosive Safety Organizations (PESO).
<p>20. Ensure regular lifting and proper disposal of industrial waste from industrial and non-development areas.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners/ Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies. - District Magistrate / Deputy Commissioners in NCR.
<p>21. DISCOMs to minimise power supply interruptions in NCR.</p>	<ul style="list-style-type: none"> - Head of Power distribution companies in NCR.
<p>22. Ensure that diesel generator sets are not used as regular source of power supply.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - DMs/ DCs of respective districts of NCR.

<p>23. Strictly enforce the extant ban on coal / firewood as fuel in Tandoors in Hotels, Restaurants and open eateries.</p> <p>24. Ensure hotels, restaurants and open eateries use only electricity / gas-based / clean fuel - based appliances.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>25. Information dissemination including through social media and bulk SMS etc. Mobile Apps to be used to inform people about the pollution levels, contact details of control room, enable them to report polluting activities / sources to the concerned authorities and inform them about actions that would be taken by Government.</p>	<ul style="list-style-type: none"> - ACS/ Pr. Secretary/ Secretary, Dept. of Environment, GNCTD and NCR States. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>26. Ensure quick actions for redressal of complaints on 311 APP, Green Delhi App, SAMEER App and other such social media platforms to curb polluting activities.</p>	<ul style="list-style-type: none"> - Head of Urban Local Bodies in NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Construction agencies, land owning agencies, Development agencies and all other concerned implementing agencies.
<p>27. Encourage offices to start unified commute for employees to reduce traffic on road.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Keep engines of your vehicles properly tuned. • Maintain proper tyre pressure in vehicles. • Keep PUC certificates of your vehicles up to date. • Do not idle your vehicle, also turn off the engine at red lights. • Prefer hybrid vehicles or EVs to control vehicular pollution. • Do not litter / dispose wastes, garbage in open spaces. • Report air polluting activities through 311 App, Green Delhi App, SAMEER App etc. • Plant more trees. • Celebrate festivals in an eco-friendly manner – avoid firecrackers. • Do not drive/ply end of life/ 10/15 years old Diesel/Petrol vehicles.

Stage II – 'Very Poor' Air Quality (DELHI AQI ranging between 301-400)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Carry out mechanical/ vacuum sweeping and water sprinkling of the identified roads on a daily basis. Enhance the number of shifts / hours of deployment of such machines to further intensify mechanised sweeping.</p> <p>2. Ensure daily water sprinkling along with dust suppressants, preferably before peak traffic hours, on roads and right of ways especially at hotspots, heavy traffic corridors and ensure proper disposal of the collected dust in designated sites/ landfills.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies. - Commissioner of Traffic Police of Delhi & NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners / Head of Municipal Bodies.
<p>3. Intensify inspections for strict enforcement of dust control measures at C&D sites.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
<p>4. Ensure focussed and targeted action for abatement of air pollution in all identified hotspots in NCR. Intensify remedial measures for the predominant sector(s) contributing to adverse air quality in each of such hotspots.</p>	<ul style="list-style-type: none"> - State Govts. in NCR and GNCTD. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
<p>5. Ensure uninterrupted power supply to discourage use of alternate power Generating sets/ equipment (DG sets etc.).</p>	<ul style="list-style-type: none"> - Additional Chief Secretary / Principal Secretary (Power), NCR State Governments / GNCTD - Head of Power Distribution Companies of Delhi and NCR Districts.

6. Strictly implement the following Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential etc. in accordance with Direction No. 76 dated 29.09.2023.

Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions
Power generating sets up to 800 kW (1000 kVA) capacity to standards as per MoEFCC notification No. GSR 804 (E) dated 03.11.2022	None	No restrictions.
DG sets to older specifications / standards		
800 kW (1000 kVA) and above	Any emission control system/mechanism, however subject to compliance of the prescribed emission standards in Direction no. 76	No restrictions
41 kW (51 kVA) to less than 800 kW (1000 kVA)	Dual fuel mode OR Retro-fitted ECDs through certified agencies	No restrictions
19 kW (23 kVA) to less than 41 kW (51 kVA)	Dual fuel mode	No restrictions Note: DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for prescribed emergency services. *
Portable DG sets below 19kW (23 kVA)	Presently no specific means of emission control are available in this category / capacity range of DG sets.	Not to be generally permitted. Permitted only for the prescribed emergency services. *

- Chairpersons – CPCB, DPCC, SPCBs (NCR).
- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
- District Magistrates / Deputy Commissioners of NCR States and GNCTD.

<p>* Emergency services:</p> <p>(i) Only for operating elevators / Escalators / travelators</p> <p>(ii) Medical Services (Hospital / Nursing Home/ Health care facilities).</p> <p>(iii) Railway Services / Railway Stations.</p> <p>(iv) Metro Rail Corporation & MRTS Services.</p> <p>(v) Airports and Inter-State Bus Terminals.</p> <p>(vi) Sewage Treatment Plants.</p> <p>(vii) Water pumping Stations.</p> <p>(viii) Projects related to national security, defence & of national importance.</p> <p>(ix) Telecommunications and IT/ data services.</p>	
<p>7. Synchronize traffic movements and deploy adequate personnel at intersections / traffic congestion points for smooth flow of traffic.</p>	<ul style="list-style-type: none"> - Commissioner or Officer in charge - Traffic Police of Delhi and NCR towns.
<p>8. Alert in newspapers / TV / radio to advise people about air pollution levels and Do's and Don'ts for minimizing polluting activities.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>9. Enhance vehicle parking fees to discourage private transport.</p>	<ul style="list-style-type: none"> - Chief Secretary and Principal Secretary, Urban Local Bodies of NCR States and GNCTD. - Commissioners of Urban Local Bodies in Delhi and NCR towns.
<p>10. Augment public transport services through CNG/ electric buses and metro services by inducting additional fleet and increasing the frequency of service. Introduce differential rates to encourage off – peak travel.</p>	<ul style="list-style-type: none"> - NCR State Governments. - Principal Secretary, Department of Transport. of NCT of Delhi and NCR State Govts. - Delhi Transport Corporation (DTC). - State Transport Corporation in NCR towns. - Delhi Integrated Multi – Model Transit System Ltd. (DIMTS). - Delhi Metro Rail Corporation (DMRC).
<p>11. Resident Welfare Associations to necessarily provide electric heaters to staff engaged in security, sanitation, horticulture and other miscellaneous services to avoid</p>	<ul style="list-style-type: none"> - Resident Welfare Associations.

open Bio-Mass/ MSW burning during winters.	
12. Do not permit inter-state buses from NCR states, other than EVs / CNG / BS-VI Diesel, to enter Delhi (excluding buses / Tempo Travellers operated with All India Tourist Permit).	<ul style="list-style-type: none"> - Commissioners or head of Transport Department in GNCTD/ NCR States - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
CITIZEN CHARTER	<ul style="list-style-type: none"> • People to use public transport and minimize use of personal vehicles. • Use technology, take less congested route even if slightly longer. • Regularly replace air filters at recommended intervals in your automobiles. • Avoid dust generating construction activities during months of October to January. • Avoid open burning of solid waste and bio-mass.

**Stage III – 'Severe' Air Quality
(DELHI AQI ranging between 401-450)**

Actions	Agencies responsible / Implementing Agencies
<p>1. Construction & Demolition activities:</p> <p>(i) Enforce strict restrictions on the following categories of dust generating/ air pollution causing C&D activities in the entire NCR:</p> <ul style="list-style-type: none"> • Earthwork for excavation and filling including boring & drilling works. • Piling works. • All demolition works. • Laying of sewer line, water line, drainage and electric cabling etc. by open trench system. • Brick / masonry works. • Operation of RMC batching plant. • Major welding and gas-cutting operations. <i>Minor welding activities for MEP works (Mechanical, Electrical and Plumbing) to be, however, permitted.</i> • Painting, polishing and varnishing works etc. • Cement, Plaster / other coatings, except for minor indoor repairs/maintenance. • Cutting / grinding and fixing of tiles, stones and other flooring materials, except for minor indoor repairs/maintenance. • Road construction activities and major repairs. • Transfer, loading / unloading of dust generating materials like cement, fly-ash, bricks, sand, murrum, pebbles, crushed stone etc. anywhere within / outside the project sites. • Movement of vehicles carrying construction materials on unpaved roads. • Any transportation of demolition waste. 	<ul style="list-style-type: none"> - NCR State Governments and GNCTD - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.

(ii) All construction related activities, **other than those listed under 4(i) above**, which are relatively less polluting / less dust generating shall be permitted to be continued in the NCR, subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time.

(iii) All C&D related activities, including those under 4(i) above, shall be continued to be permitted only for the following categories of projects, however subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time:

- (a) Projects for Railway services and stations
- (b) Projects for Metro Rail Services and stations
- (c) Airports and Inter State Bus Terminals
- (d) National security/ defence related activities/ projects of national importance;
- (e) Hospitals/ health care facilities
- (f) Linear public projects such as highways, roads, flyovers, over bridges, power transmission/ distribution, pipelines, tele-communication services etc.
- (g) Sanitation projects like sewage treatment plants and water supply projects etc.
- (h) Ancillary activities, specific to and supplementing the above project categories.

2. Close down operations of stone crushers in the entire NCR.

- Chairpersons – CPCB, DPCC, SPCBs (NCR)
- Commissioner of Police - Delhi and DG of Police of NCR States
- District Magistrates / Deputy Commissioners of respective districts in Delhi and NCR States.

<p>3. Close down all mining and associated activities in the entire NCR.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of respective districts in NCR. - Commissioner of Police - Delhi and IG / DIG / SP of NCR towns.
<p>4. NCR State Govts. / GNCTD to impose strict restrictions on plying of BS III petrol and BS IV diesel LMVs (4 wheelers) in Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Budh Nagar.</p> <p>Note: Persons with Disabilities shall be permitted to ply BS – III Petrol / BS – IV Diesel LMVs, provided that these are specifically adopted for them and are run only for their personal use.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD. - Commissioner or Head of Transport Department - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>5. GNCTD to impose strict restrictions on plying of Delhi - registered Diesel operated Medium Goods Vehicles (MGVs) to BS-IV standards or below, in Delhi, except those vehicles carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD. - Commissioner or Head of Transport Department - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>6. GNCTD to not permit BS-IV and below diesel operated LCVs (goods carriers), registered outside Delhi, to enter Delhi, except those carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments - Transport Commissioners, GNCTD/ NCR States - Commissioners / Head of Urban Local Bodies in Delhi-NCR towns. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>7. (i) State Govts. in the NCR and the GNCTD to mandatorily conduct classes in schools for children up to class V in a "Hybrid" mode i.e., both in physical and online mode (wherever online mode is feasible) in the territorial jurisdiction of the NCT of Delhi and in the districts of Gurugram,</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.

<p>Faridabad, Ghaziabad and Gautam Buddh Nagar.</p> <p>(ii) The NCR State Governments may also consider conducting classes for students up to Class V in a "Hybrid" mode as above in other areas in NCR.</p> <p>Note: The option to exercise the online mode of education, wherever available, shall vest with the students and their guardians.</p>	
<p>8.</p> <p>(i) GNCTD and NCR State Governments to stagger timings for public offices and municipal bodies in the National Capital Territory of Delhi and the districts of Gurugram, Faridabad, Ghaziabad and Gautam Buddh Nagar.</p> <p>(ii) State Governments may take a decision to stagger timings for public offices and municipal bodies in other areas of NCR.</p>	<p>- NCR State Governments and Central Government</p>
<p>9. Central Government may take a decision on staggering of timings of Central Government offices in Delhi – NCR.</p>	<p>- Central Government</p>
<p>CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Walk or use cycles for small distances. • Choose a cleaner commute. Share a ride to work or use public transport. • People, whose positions allow working from home, may work from home. • Do not use coal and wood for heating purpose. • Individual house owners may also provide electric heaters to security / other staff employed by them to avoid open burning of bio-mass / wood / MSW. • Combine errands and reduce trips.

Stage IV – ‘Severe +’ Air Quality (DELHI AQI > 450)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Stop entry of truck traffic into Delhi (except for trucks carrying essential commodities/ providing essential services. All LNG/ CNG / Electric/ BS-VI Diesel trucks) shall however be permitted to enter Delhi.</p>	<ul style="list-style-type: none"> - State Governments - Transport Commissioners, GNCTD/ NCR States - Commissioners / Head of Urban Local Bodies in Delhi-NCR towns. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>2. Enforce strict ban on plying of Delhi - registered diesel operated BS-IV and below Heavy Goods Vehicles (HGVs) in Delhi, except those carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD - Transport Commissioners, GNCTD/ NCR States. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>3. Ban C&D activities, as in the GRAP Stage- III, also for linear public projects such as highways, roads, flyovers, overbridges, power transmission, pipelines, tele-communication etc.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs - Commissioners / Chief Engineers of Urban Local Bodies in Delhi - NCR towns. - Nodal officers of road owning agencies (dust control and management cells).
<p>4. (i) State Govts. in the NCR and the GNCTD to mandatorily conduct classes in schools for children even for higher classes i.e. from class VI to IX and XI in a “Hybrid” mode i.e., both in physical and online mode (wherever online mode is feasible) in the territorial jurisdiction of the NCT of Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Buddh Nagar.</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.

<p>(ii) The NCR State Governments may also consider conducting classes for students as above in a "Hybrid" mode in other areas in NCR.</p> <p>Note: The option to exercise the online mode of education, wherever available, shall vest with the students and their guardians.</p>	
<p>5. NCR State Governments / GNCTD to take a decision on allowing public, municipal and private offices to work on 50% strength and the rest to work from home.</p>	<p>- State Governments of NCR & GNCTD.</p>
<p>6. Central Government may take appropriate decision on permitting work from home for employees in central government offices.</p>	<p>- Central Government (DoPT).</p>
<p>7. State Governments may consider additional emergency measures like closure of colleges/ educational institutions and closure of non-emergency commercial activities, permitting running of vehicles on odd-even basis of registration numbers etc.</p>	<p>- State Governments of NCR & GNCTD.</p>
<p>CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Children, elderly and those with respiratory, cardiovascular, cerebrovascular or other chronic diseases to avoid outdoor activities and stay indoors, as much as possible. If required to move outdoors, they are advised to wear mask.

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

Item No.43:

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3:30 P.M.]----- IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND MODIFICATION OF APPLICABILITY OF GRAP IV 1) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. SAURABH AGRAWAL ADVOCATES)

With

Item No.44:

Transfer Petition(s)(Civil) No(s). 3280/2024

([TO BE TAKEN UP ALONGWITH ITEM NO.43 I.E. W.P.(C) No. 13029/1985.]
IA No. 280838/2024 - STAY APPLICATION)

With

Item No.46:

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

([TO BE TAKEN UP ALOGWITH ITEM NO. 43 I.E. W.P.(C)NO. 13029 OF
1985.]

IA No. 165191/2021 - APPLICATION FOR PERMISSION
IA No. 100093/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166624/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161557/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 34132/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161436/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 20006/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 42924/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166297/2021 - CLARIFICATION/DIRECTION
IA No. 20879/2022 - CLARIFICATION/DIRECTION
IA No. 164567/2021 - CLARIFICATION/DIRECTION
IA No. 163242/2021 - CLARIFICATION/DIRECTION

IA No. 146739/2022 - CLARIFICATION/DIRECTION
 IA No. 15637/2022 - DISCHARGE OF ADVOCATE ON RECORD
 IA No. 232074/2023 - EARLY HEARING APPLICATION
 IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 161450/2021 - EXEMPTION FROM FILING O.T.
 IA No. 121689/2020 - EXEMPTION FROM FILING O.T.
 IA No. 162945/2021 - INTERVENTION APPLICATION
 IA No. 67217/2022 - INTERVENTION APPLICATION
 IA No. 166305/2021 - INTERVENTION APPLICATION
 IA No. 149457/2021 - INTERVENTION APPLICATION
 IA No. 161445/2021 - INTERVENTION APPLICATION
 IA No. 153451/2021 - INTERVENTION APPLICATION
 IA No. 260275/2024 - INTERVENTION APPLICATION
 IA No. 161435/2021 - INTERVENTION APPLICATION
 IA No. 20004/2022 - INTERVENTION APPLICATION
 IA No. 152068/2021 - INTERVENTION APPLICATION
 IA No. 160572/2021 - INTERVENTION APPLICATION
 IA No. 146827/2022 - INTERVENTION APPLICATION
 IA No. 151957/2021 - INTERVENTION APPLICATION
 IA No. 160519/2021 - INTERVENTION APPLICATION
 IA No. 163237/2021 - INTERVENTION APPLICATION
 IA No. 13899/2022 - INTERVENTION APPLICATION
 IA No. 150968/2021 - INTERVENTION/IMPLEADMENT
 IA No. 159241/2021 - INTERVENTION/IMPLEADMENT
 IA No. 34131/2022 - INTERVENTION/IMPLEADMENT
 IA No. 159206/2021 - INTERVENTION/IMPLEADMENT
 IA No. 121685/2020 - INTERVENTION/IMPLEADMENT
 IA No. 165236/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES)

Date : 12-12-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
 HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Ms. Aparajita Singh, Sr. Adv. (Amicus Curiae)
 Mr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)
 Mr. Siddhartha Chowdhury, Adv. (Amicus Curiae)
 Ms. Shibani Ghosh, Adv.
 Mr. Ishank Ranjan, Adv.

Mr. Aditya N. Prasad, Adv./Court Commissioner
 (Co-ordinator)
 Mr. Manan Verma, Adv./Court Commissioner
 Mr. Pratyush Jain, Adv./Court Commissioner
 Mr. Aditya Bharat Manubarwala, Adv./
 Court Commissioner
 Mr. Abhinav Aggarwal, Adv./Court Commissioner
 Ms. Manisha Chava, Adv./Court Commissioner
 Ms. Srishti Mishra, Adv./Court Commissioner

Mr. Mohit Siwach, Adv./Court Commissioner
 Mr. Abhishek Budhiraja, Adv./Court Commissioner
 Mr. Pranav Dhawan, Adv./Court Commissioner

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Mr. Deepak Singh Rawat, Adv.
Ms. Shreya Singhal, Adv.
Mr. Santosh Sachin, Adv.
Mr. Vishal Sinha, Adv.
Ms. Shreya Nair, Adv.
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Mr. Shovan Mishra, AOR

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

IN RE: GRADED RESPONSE ACTION PLAN

1. As regards the applicability of the stages of Graded Response Action Plan (GRAP), we direct that the directions contained in paragraphs 8 and 9 of our last order dated 5th December, 2024 will continue till further orders.

IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION)

2. We have perused the note filed by the CAQM. We approve the recommendations of the Sub-Committee which are mentioned in paragraph 4 to 6 of the note submitted by the CAQM dated 11th December, 2024. The Commission will now proceed to implement the modified GRAP as set out in Annexure 1 to the said note.

IN RE: SUBSISTENCE ALLOWANCE

3. As regards the payment of the subsistence allowance to the construction workers which could not get any income for the period from 18th November, 2024 to 5th December, 2024 (both days inclusive), the concerned State Governments will ensure that every affected construction worker is paid the subsistence allowance.

4. Now, there is an issue about the number of registered workers on the dashboard of the Delhi Building and other Construction Workers Welfare Board. Whether it is a Delhi Government or the other Governments, the emphasis should be not only on registration but on ascertaining the actual number of workers who were deprived of income during this period.

5. We direct all concerned State Governments to file comprehensive affidavits dealing with this part of the compliance by 3rd January, 2025. We make it clear that we will continue to monitor this compliance till we are satisfied that every eligible worker has been paid the subsistence allowance.

IN RE: CONSOLIDATED REPORT OF THE COURT COMMISSIONERS

6. We have perused the report filed by Mr. Manan Verma, Court Commissioner. He has highlighted the failure of the authorities to implement the GRAP measures. He has produced on record the photographs indicating that a heap of garbage has been put to fire at the location mentioned by him. This issue is of implementation of the Solid Waste Management Rules, 2016 which we will take up.

7. We make it clear that the appointment of the Court Commissioners will continue.

8. As done by the Delhi Government, all National Capital Region States will appoint Nodal Officers for facilitating the visit of the Commissioners to various places in the NCR States to which GRAP measures are applicable. All the States will take action immediately and communicate the contact details of the Nodal Officers to the Court Commissioners.

IN RE: POLICY TO CURB AIR POLLUTION

9. Our attention is invited to the policy to curb air pollution in the NCR States formulated by the Commission in July, 2022. The directions will have to be issued for the actual implementation of various aspects of the policy. We will fix a schedule for the purposes of issuing directions for implementation of the policy on the next date of hearing.

IN RE: BAN ON USE OF FIRECRACKERS

10. The issue regarding the ban on use of firecrackers in the NCR States is yet to be addressed.

11. We direct the concerned State Governments to place their decisions on record regarding a complete ban on use of firecrackers throughout the year. The ban on firecrackers will be helpful not only to curb the air pollution but the noise pollution as well. We will

consider of issuing necessary directions to the State Governments on the issue of ban on use of firecrackers. When we refer to the ban on use of firecrackers, it will also include the ban on manufacture, storage, sale and distribution of firecrackers.

12. The aforesaid aspects including the applicability of GRAP measures will be considered on 19th December, 2024 at 2.00 p.m.

TRANSFER PETITION (CIVIL) NO.3280 OF 2024

13. The Transfer Petition as well as IA Nos.87637, 87638 and 91082 of 2020 shall be also considered on 19th December, 2024 at 2.00 p.m.

WRIT PETITION (CIVIL) NO.1135 OF 2020

14. List on 19th December, 2024 at 2.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(ANU BHALLA)
COURT MASTER

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 2:00 P.M.]...IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND IN RE: IMPLEMENTATION OF SOLID WASTE MANAGEMENT RULES, 2016 1) I.A. Nos. 87637, 87638 AND 91082/2020 (APPLICATIONS FOR IMPLEADMENT, DIRECTION AND PERMISSION TO FILE ADDITIONAL DOCUMENTS) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. SATYA MITRA ADVOCATES)

WITH W.P.(C) No. 1135/2020

(IA No. 165191/2021 - APPLICATION FOR PERMISSION
IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161557/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 34132/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161436/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 20006/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 42924/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 100093/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166624/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166297/2021 - CLARIFICATION/DIRECTION
IA No. 20879/2022 - CLARIFICATION/DIRECTION
IA No. 164567/2021 - CLARIFICATION/DIRECTION
IA No. 163242/2021 - CLARIFICATION/DIRECTION
IA No. 146739/2022 - CLARIFICATION/DIRECTION
IA No. 15637/2022 - DISCHARGE OF ADVOCATE ON RECORD
IA No. 232074/2023 - EARLY HEARING APPLICATION
IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 161450/2021 - EXEMPTION FROM FILING O.T.
IA No. 121689/2020 - EXEMPTION FROM FILING O.T.
IA No. 166305/2021 - INTERVENTION APPLICATION
IA No. 149457/2021 - INTERVENTION APPLICATION
IA No. 161445/2021 - INTERVENTION APPLICATION
IA No. 153451/2021 - INTERVENTION APPLICATION

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IA No. 260275/2024 - INTERVENTION APPLICATION
 IA No. 161435/2021 - INTERVENTION APPLICATION
 IA No. 20004/2022 - INTERVENTION APPLICATION
 IA No. 152068/2021 - INTERVENTION APPLICATION
 IA No. 160572/2021 - INTERVENTION APPLICATION
 IA No. 146827/2022 - INTERVENTION APPLICATION
 IA No. 151957/2021 - INTERVENTION APPLICATION
 IA No. 160519/2021 - INTERVENTION APPLICATION
 IA No. 163237/2021 - INTERVENTION APPLICATION
 IA No. 13899/2022 - INTERVENTION APPLICATION
 IA No. 162945/2021 - INTERVENTION APPLICATION
 IA No. 67217/2022 - INTERVENTION APPLICATION
 IA No. 159241/2021 - INTERVENTION/IMPLEADMENT
 IA No. 34131/2022 - INTERVENTION/IMPLEADMENT
 IA No. 159206/2021 - INTERVENTION/IMPLEADMENT
 IA No. 121685/2020 - INTERVENTION/IMPLEADMENT
 IA No. 150968/2021 - INTERVENTION/IMPLEADMENT
 IA No. 165236/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

T.P.(C) No. 3280/2024
 (IA No. 280838/2024 - STAY APPLICATION)

Date : 19-12-2024 These petitions were called on for hearing today.

CORAM :

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 HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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 (Co-ordinator)
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 Mr. Pratyush Jain, Adv./Court Commissioner
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 Mr. Abhinav Aggarwal, Adv./Court Commissioner
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UPON hearing the counsel, the Court made the following
O R D E R

IN RE: THE SOLID WASTE MANAGEMENT RULES, 2016

1. As regards non-compliance with the Solid Waste Management Rules, 2016 (the 2016 Rules), we grant time to the Delhi Government to file a better affidavit. The Delhi Government must explain with reference to the specific Rules and timelines laid down in the 2016 Rules about the extent of compliance made.

2. As of today, the generation of municipal solid waste in the Municipal Corporation of Delhi (MCD) area is 11,000 tonnes per day, and the gap between the generation of solid waste and the processing capacity is about 3,000 tonnes per day. This is a shocking state of affairs that

in the MCD area of the capital city, every day, there is a generation of 3,000 tonnes of untreated municipal solid waste. With some degree of sadness, we are recording that in the capital city, every day, 3,000 tonnes of solid waste is being generated, which is not capable of being treated, and therefore, there is a large-scale illegal dumping. Perhaps, someday, this Court will have to take a call on stopping some kind of development activities in the city so that the generation of solid waste can be controlled. Today, there is an untreated waste of 3000 tonnes every day. It is bound to multiply with the passage of time. The Delhi Government and MCD cannot justify this default with vehemence. We expected the Delhi Government and all the authorities to come out with innovative measures to bridge this gap. One can imagine the drastic effect of the generation of 3,000 tonnes of solid waste every day, which remains untreated on the environment. It affects the fundamental right of people to live in a pollution-free atmosphere.

IN RE: DUMPING OF SOLID WASTE

3. Another issue which is flagged in the affidavit is that 3,800 tonnes of solid waste per day is being dumped at Ghazipur and Bhalsawa.

4. We direct the Delhi Government to come out with measures for preventing fires and resultant pollution due to the illegal dumping of 3,800 tonnes of solid waste

every day on these two sites. What precautions are being taken to avoid the fires, as well as the adverse effects on the environment, has to be dealt with by the Chief Secretary of the Delhi Government and all other stakeholders. We hope and trust that the drastic effects of such illegal dumping of such a large quantity every day will be considered by all the authorities with all the sensitivity which it deserves.

5. A better affidavit, which we are permitting the Delhi Government to file, must deal with this aspect as well.

6. We grant a longer time to file a better affidavit dealing with all aspects till 27th January, 2025. However, as regards the measures to be taken at dumping sites at Ghazipur and Bhalsawa, a detailed affidavit shall be filed either by the Delhi Government or by the MCD or by both on or before 15th January, 2025, which will be considered by this Court on 17th January, 2025. While filing the affidavit on or before 15th January, 2025, we expect the authorities to state how many incidents have taken place during 2024 of fires at the dumping sites and what steps were taken to prevent the fires.

7. List on 17th and 27th January, 2025 at the end of the cause list.

IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM)

8. Today, the learned Additional Solicitor General has submitted a report dated 19th December, 2024, which shows the drastic increase in the Air Quality Index (AQI), and therefore, Stage IV of the Graded Response Action Plan (GRAP) measures are in place.

9. Our attention is invited to clause (i) of the order dated 24th November, 2021. We leave it to the CAQM to permit activities as provided in clause (i) of the said order at an appropriate stage. We also reiterate that the directions issued in paragraphs Nos. 8 and 9 of this Court's order dated 5th December, 2024 will continue to operate.

IN RE: SUBSISTENCE ALLOWANCE

10. There is more than one order passed by this Court directing all the States in the National Capital Region (NCR) to pay the Subsistence Allowance to all the workers who are affected by the implementation of stage IV of the GRAP. We direct all the States to ascertain which are the workers who are affected by stage IV of the GRAP. While doing so, they should not rely upon the technicality of non-registration on the portal.

11. We make it clear that if we do not find satisfactory compliance with the directions issued regarding extending the benefit of Subsistence Allowance

to all the affected workers, we will initiate action under the Contempt of Court Act, 1971 against the erring State Government officials. The State Governments shall file compliance by 3rd January, 2025. We permit the concerned parties to move this Court in case of non-compliance.

IN RE: COURT COMMISSIONERS

12. We must record our appreciation for the work done by the advocates who have acted as the Court Commissioners.

13. Now, the year-end break is around the corner. Appointing the members of the Bar to monitor the implementation of stage IV of the GRAP was an ad-hoc measure. We, therefore, direct the NCR States to immediately constitute multiple teams consisting of police officials, revenue officials and officials of the other departments and entrust to them the responsibility of visiting the entry points to the city and also generally monitoring the compliance with stage IV of GRAP measures. Considering the magnitude of the task, all the NCR states shall create multiple teams. We also make it clear that the members of the team so constituted will work as the officers of this Court. So long as stage III and stage IV of GRAP measures are imposed, they shall regularly submit reports of compliance as well as breaches to the respective Governments and respective

stakeholders with copies thereof to the CAQM so that immediate action can be taken by all concerned. As the members of the teams constituted by this Court will act as the officers of this Court, it is obvious that the reports submitted by them shall be dealt with and acted upon by all the authorities with the seriousness which it deserves.

14. As we are ordering the constitution of the teams of the respective State Governments, we relieve the Court Commissioners of the onerous obligation of monitoring the implementation of the orders of this Court.

IN RE: BAN ON THE USE OF FIRECRACKERS

15. We have perused the order dated 19th December, 2024 passed by the Principal Secretary (Environment), Department of Environment and Forest, Government of National Capital Territory of Delhi. In the exercise of powers under Section 5 of the Environment (Protection) Act, 1986, the Delhi Government has imposed a complete ban on manufacturing, storage, selling (including delivery through online marketing platforms) and bursting all kinds of firecrackers in NCT of Delhi throughout the year with immediate effect. We are of the view that this ban will become effective only when other States forming part of the NCR impose a similar ban.

16. Even the State of Rajasthan has imposed a similar ban in that part of the State, which falls in NCR.

17. For the time being, we direct the States of Uttar Pradesh and Haryana to impose a similar ban in NCR parts of the States, which is imposed by the Delhi Government under the order dated 19th December, 2024 till 17th January, 2025, when we will consider the issue of passing further directions.

IN RE: IMPLEMENTATION OF THE POLICY TO CURB AIR POLLUTION

18. At the appropriate stage, we will take up the issue of implementation of the policy to curb air pollution in the NCR. We grant time to the concerned State Governments of the NCR as well as the Union of India to file their respective affidavits on the implementation of various policies incorporated by the Commission in the said documents. We grant time to them till the end of January, 2025 to do so.

IN RE: AMICUS CURIAE

19. At this stage, we must record our appreciation for the role played by the learned amicus curiae and all other members of the Bar who are appearing before us and assisting the Court. We hope and trust that every member of the Bar will continue to assist us so that all major issues concerning pollution can be dealt with. We expect each member of the Bar to act as officers of the Courts

as they have been doing. We request them not to multiply intervention applications. All concerned can give suggestions to the Commission.

20. Considering the magnitude of the task, we appoint Ms. Uttara Babbar, senior advocate and Ms. Shibani Ghosh, Advocate as amicus curiae to appear in this case along with Ms. Aparajita Singh, learned senior counsel appointed as amicus curiae.

21. The Registry to issue necessary communication to the respective advocates.

22. The Delhi Government will offer remuneration payable to Panel 'A' counsel to the learned counsel appointed as amicus curiae.

TRANSFER PETITION (CIVIL) NO. 3280 OF 2024

23. List on 17th January, 2025 at the end of the cause list.

WRIT PETITION (CIVIL) NO. 1135 OF 2020

24. List on 17th January, 2025.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

ITEM NO.79

COURT NO.4

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IN RE: CONSTRUCTIONS AND ROAD DUST NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES

Date : 17-02-2025 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IN RE: CONSTRUCTIONS AND ROAD DUST

1. Today, we are dealing with the implementation of the directions/guidelines issued by the Commission for Air Quality Management (for short, "CAQM") under the orders dated 23rd December, 2020, 11th June, 2021, 2nd November, 2022, 13th February, 2024, 2nd December, 2024 and 2nd January, 2025. All that we can say today is that if it is found that these directions are not being complied with, the CAQM will forthwith proceed to take penal action against all concerned under Section 14 of the Commission for Air Quality Management In National Capital Region and Adjoining Areas Act, 2021 (for short, "the CAQM Act") and compliance shall be filed within a period of one month from today.

2. What we find from the policy document of the CAQM and other material on record is that so far this Court has not considered a very important issue regarding the implementation of Construction and Demolition Waste Management Rules, 2016 (for short, the "C & D Waste Rules"). We, therefore, direct the Delhi Government and State Governments of the National Capital Region States as well as the Municipal Corporation of Delhi to file affidavits setting out the steps taken, if any, for implementation of 2016 Rules. The affidavits shall be filed within one month from today. No further time shall be granted. After the affidavits are filed, we will deal with the issue of dust mitigation at C&D sites and implementation of the 2016 Rules on 26th March, 2025 at 3.00 p.m.

IN RE: GRADED RESPONSE ACTION PLAN (GRAP) MEASURES

3. The learned Additional Solicitor General has placed on record a chart showing current trends of Air Quality Index (AQI) in Delhi. We find that from 3rd February, 2025 onwards, AQI has not crossed 300.

4. For the time being, we relax the directions under paragraphs 8 and 9 of the order dated 5th December, 2024. Now, the CAQM will implement comprehensive GRAP schedule as already approved by this Court by order dated 12th December, 2024. In case the AQI exceeds 300, we direct the learned amicus curiae to mention the matter for

seeking appropriate directions from this Court

IN RE: GRIEVANCE REDRESSAL MECHANISM

5. At this stage, the learned amicus curiae has invited our attention to order dated 27th September, 2024 of this Court which essentially deals with Grievance Redressal Mechanism. Her submission is that the order has not been complied with in its true and spirit.

6. We direct the CAQM to report compliance with all the directions contained in paragraph 14 of the said order by filing an affidavit within a period of three weeks from today. The affidavit shall be considered on 26th March, 2025 at 3.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

GRADED RESPONSE ACTION PLAN (GRAP)
FOR THE NATIONAL CAPITAL REGION (NCR)

(Revision: 13.12.2024)

1. The GRAP for the entire NCR has been classified under 4 different stages of adverse air quality in Delhi viz. Stage – I 'Poor' (AQI 201 – 300), Stage – II 'Very Poor' (AQI 301-400), Stage – III 'Severe' (AQI 401-450) and Stage – IV 'Severe +' (AQI >450) respectively.

2. Based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis, actions under Stages I, II, III and IV of the GRAP shall be invoked in advance of the AQI of Delhi reaching to the projected levels of that stage, also provided that the higher projected AQI levels are likely to sustain for longer period.

3. Even if the AQI forecasts do not indicate the AQI of Delhi to be breaching a particular threshold and under extreme meteorological conditions or due to any episodic event the AQI breaches the threshold, that particular stage of the GRAP shall be invoked with immediate effect in respect of actions / measures that can be invoked immediately.

4. Restrictive actions undertaken as per previous stages shall be continued, in addition to the air pollution stage under which the restrictive actions are envisaged to be taken. For example, restrictive actions under the Stage III category, whenever invoked, shall be in addition to those under Stage I and II respectively and so on and so forth.

5. The Sub-Committee on GRAP constituted by the Commission shall meet frequently to plan for advance action and issue necessary orders for invoking various provisions of the GRAP, based on the prevalent air quality and the AQI forecast to be provided by IMD from time to time. The Sub-Committee shall also review the actions taken by various agencies responsible towards effective implementation of the GRAP.

6. The Chief Secretaries of NCR States and GNCTD shall frequently review the actions and implementation of the GRAP especially when the air quality falls or is likely to fall in the 'Severe' or 'Severe +' category (Stage III and beyond).

7. The Commission may decide upon any exceptions and additional measures to the schedule of the GRAP, under different air pollution categories i.e., Stages I to IV, as per the prevalent AQI and weather forecast.

Schedule under the GRAP for NCR

Stage I – 'Poor' Air Quality (DELHI AQI ranging between 201-300)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Ensure proper implementation of Directions/ Rules/ guidelines on dust mitigation measures in Construction and Demolition (C&D) activities and sound environmental management of C&D waste.</p> <p>2. Ensure strict compliance of Direction Nos. 11-18 dated 11.06.2021 and do not permit C&D activities in respect of such projects with plot size equal to or more than 500 sqm which are not registered on the 'web portal' of the respective state / GNCTD and / or which do not fulfil the other requirements as per the above noted statutory directions, for remote monitoring of dust mitigation measures.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Construction agencies and plot owners (both public & private).
<p>3. Ensure regular lifting of Municipal Solid Waste (MSW), Construction & Demolition (C&D) waste, and Hazardous wastes from dedicated dump sites and ensure that no waste is dumped illegally in open land areas.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies - Construction agencies (both public & private).
<p>4. Carry out periodic mechanized sweeping and water sprinkling on roads and ensure scientific disposal of the dust collected in designated sites/landfills.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies.

<p>5. Ensure that C&D materials & waste are properly stored/ contained, duly covered in the premises. Ensure transportation of C&D materials and C&D waste only through covered vehicles.</p> <p>6. Strictly enforce the statutory directions and yardsticks for use of anti-smog guns at C&D sites, in proportion to the total built-up area of the project under construction.</p> <p>7. Intensify use of anti-smog guns, water sprinkling and dust suppression measures in road construction / widening / repair projects and maintenance activities.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All construction agencies and plot owners (both public & private). - All road owning / maintenance agencies in NCR.
<p>8. Stringently enforce prohibition on open burning of bio-mass and municipal solid waste. Impose maximum EC upon violations in accordance with Hon'ble NGT's orders dated 04.12.2014 and 28.04.2015 in OA 21/2014.</p> <p>9. Strict vigil to ensure that there are no burning incidents in the landfill sites / dumpsites.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies.
<p>10. Deploy traffic police for smooth traffic flow at all identified corridors with heavy traffic and congestion prone intersections.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Traffic Police in Delhi and NCR towns.
<p>11. Strict vigilance and enforcement of PUC norms for vehicles.</p> <p>12. No tolerance for visible emissions – Stop visibly polluting vehicles by impounding and / or levying maximum penalty.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>13. Strictly enforce the Hon'ble Supreme Court order on diversion of non- destined truck traffic for Delhi, through Eastern and Western Peripheral Expressways.</p>	<ul style="list-style-type: none"> - Head of Traffic Police of NCT of Delhi and NCR towns. - DMs /Dy Commissioners of NCT of Delhi / NCR towns - Municipal Commissioner of Corporations of NCT of Delhi and NCR towns.

<p>14. Strictly enforce NGT / Hon'ble SC's order on overaged diesel / petrol vehicles and as per extant statutes.</p>	<ul style="list-style-type: none"> - Commissioner or Head of Transport Department of Delhi and NCR States - Commissioner or Head of Traffic Police of Delhi and NCR towns.
<p>15. Ensure strict penal/ legal action against non-compliant and illegal industrial units.</p> <p>16. Stringently enforce all pollution control regulations in Industries, brick kilns and hot mix plants etc. - strict compliance of the prescribed standards of emissions.</p> <p>17. Ensure that only approved fuels are used by the industries in NCR including in brick kilns and hot mix plants and enforce closure in case of violations, if any.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of NCT of Delhi / NCR Towns - Commissioners of Urban Local Bodies in Delhi and NCR towns.
<p>18. Stringently enforce emission norms in thermal power plants and strict actions be taken against non-compliance.</p>	<ul style="list-style-type: none"> - Plant in- charge of Power Plants located within 300 km radius of Delhi. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>19. Strictly enforce Hon'ble Courts / Tribunal orders regarding ban on firecrackers.</p>	<ul style="list-style-type: none"> - Commissioner of Police of Delhi & IG / DIG / SP of NCR towns or Officer In charge of Licensing. - DMs/ DCs of respective districts in NCR. - Chief controller of Explosives, Petroleum and Explosive Safety Organizations (PESO).
<p>20. Ensure regular lifting and proper disposal of industrial waste from industrial and non-development areas.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners/ Chief Engineers of Urban Local Bodies in Delhi-NCR towns - All land-owning agencies. - District Magistrate / Deputy Commissioners in NCR.
<p>21. DISCOMs to minimise power supply interruptions in NCR.</p>	<ul style="list-style-type: none"> - Head of Power distribution companies in NCR.
<p>22. Ensure that diesel generator sets are not used as regular source of power supply.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - DMs/ DCs of respective districts of NCR.

<p>23. Strictly enforce the extant ban on coal / firewood as fuel in Tandoors in Hotels, Restaurants and open eateries.</p> <p>24. Ensure hotels, restaurants and open eateries use only electricity / gas-based / clean fuel - based appliances.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>25. Information dissemination including through social media and bulk SMS etc. Mobile Apps to be used to inform people about the pollution levels, contact details of control room, enable them to report polluting activities / sources to the concerned authorities and inform them about actions that would be taken by Government.</p>	<ul style="list-style-type: none"> - ACS/ Pr. Secretary/ Secretary, Dept. of Environment, GNCTD and NCR States. - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>26. Ensure quick actions for redressal of complaints on 311 APP, Green Delhi App, SAMEER App and other such social media platforms to curb polluting activities.</p>	<ul style="list-style-type: none"> - Head of Urban Local Bodies in NCR towns. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Construction agencies, land owning agencies, Development agencies and all other concerned implementing agencies.
<p>27. Encourage offices to start unified commute for employees to reduce traffic on road.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Keep engines of your vehicles properly tuned. • Maintain proper tyre pressure in vehicles. • Keep PUC certificates of your vehicles up to date. • Do not idle your vehicle, also turn off the engine at red lights. • Prefer hybrid vehicles or EVs to control vehicular pollution. • Do not litter / dispose wastes, garbage in open spaces. • Report air polluting activities through 311 App, Green Delhi App, SAMEER App etc. • Plant more trees. • Celebrate festivals in an eco-friendly manner – avoid firecrackers. • Do not drive/ply end of life/ 10/15 years old Diesel/Petrol vehicles.

Stage II – ‘Very Poor’ Air Quality (DELHI AQI ranging between 301-400)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Carry out mechanical/ vacuum sweeping and water sprinkling of the identified roads on a daily basis. Enhance the number of shifts / hours of deployment of such machines to further intensify mechanised sweeping.</p> <p>2. Ensure daily water sprinkling along with dust suppressants, preferably before peak traffic hours, on roads and right of ways especially at hotspots, heavy traffic corridors and ensure proper disposal of the collected dust in designated sites/ landfills.</p>	<ul style="list-style-type: none"> - Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns - Chief Executives of all road owning and maintaining agencies. - Commissioner of Traffic Police of Delhi & NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners / Head of Municipal Bodies.
<p>3. Intensify inspections for strict enforcement of dust control measures at C&D sites.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
<p>4. Ensure focussed and targeted action for abatement of air pollution in all identified hotspots in NCR. Intensify remedial measures for the predominant sector(s) contributing to adverse air quality in each of such hotspots.</p>	<ul style="list-style-type: none"> - State Govts. in NCR and GNCTD. - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
<p>5. Ensure uninterrupted power supply to discourage use of alternate power Generating sets/ equipment (DG sets etc.).</p>	<ul style="list-style-type: none"> - Additional Chief Secretary / Principal Secretary (Power), NCR State Governments / GNCTD - Head of Power Distribution Companies of Delhi and NCR Districts.

6. Strictly implement the following Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential etc. in accordance with Direction No. 76 dated 29.09.2023.

Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions
Power generating sets up to 800 kW (1000 kVA) capacity to standards as per MoEFCC notification No. GSR 804 (E) dated 03.11.2022	None	No restrictions.
DG sets to older specifications / standards		
800 kW (1000 kVA) and above	Any emission control system/mechanism, however subject to compliance of the prescribed emission standards in Direction no. 76	No restrictions
41 kW (51 kVA) to less than 800 kW (1000 kVA)	Dual fuel mode OR Retro-fitted ECDs through certified agencies	No restrictions
19 kW (23 kVA) to less than 41 kW (51 kVA)	Dual fuel mode	No restrictions Note: DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for prescribed emergency services. *
Portable DG sets below 19kW (23 kVA)	Presently no specific means of emission control are available in this category / capacity range of DG sets.	Not to be generally permitted. Permitted only for the prescribed emergency services. *

- Chairpersons – CPCB, DPCC, SPCBs (NCR).
- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
- District Magistrates / Deputy Commissioners of NCR States and GNCTD.

<p>* Emergency services:</p> <p>(i) Only for operating elevators / Escalators / travelators</p> <p>(ii) Medical Services (Hospital / Nursing Home/ Health care facilities).</p> <p>(iii) Railway Services / Railway Stations.</p> <p>(iv) Metro Rail Corporation & MRTS Services.</p> <p>(v) Airports and Inter-State Bus Terminals.</p> <p>(vi) Sewage Treatment Plants.</p> <p>(vii) Water pumping Stations.</p> <p>(viii) Projects related to national security, defence & of national importance.</p> <p>(ix) Telecommunications and IT/ data services.</p>	
<p>7. Synchronize traffic movements and deploy adequate personnel at intersections / traffic congestion points for smooth flow of traffic.</p>	<ul style="list-style-type: none"> - Commissioner or Officer in charge - Traffic Police of Delhi and NCR towns.
<p>8. Alert in newspapers / TV / radio to advise people about air pollution levels and Do's and Don'ts for minimizing polluting activities.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR).
<p>9. Enhance vehicle parking fees to discourage private transport.</p>	<ul style="list-style-type: none"> - Chief Secretary and Principal Secretary, Urban Local Bodies of NCR States and GNCTD. - Commissioners of Urban Local Bodies in Delhi and NCR towns.
<p>10. Augment public transport services through CNG/ electric buses and metro services by inducting additional fleet and increasing the frequency of service. Introduce differential rates to encourage off – peak travel.</p>	<ul style="list-style-type: none"> - NCR State Governments. - Principal Secretary, Department of Transport. of NCT of Delhi and NCR State Govts. - Delhi Transport Corporation (DTC). - State Transport Corporation in NCR towns. - Delhi Integrated Multi – Model Transit System Ltd. (DIMTS). - Delhi Metro Rail Corporation (DMRC).
<p>11. Resident Welfare Associations to necessarily provide electric heaters to staff engaged in security, sanitation, horticulture and other miscellaneous services to avoid</p>	<ul style="list-style-type: none"> - Resident Welfare Associations.

open Bio-Mass/ MSW burning during winters.	
12. Do not permit inter-state buses from NCR states, other than EVs / CNG / BS-VI Diesel, to enter Delhi (excluding buses / Tempo Travellers operated with All India Tourist Permit).	<ul style="list-style-type: none"> - Commissioners or head of Transport Department in GNCTD/ NCR States - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
CITIZEN CHARTER	<ul style="list-style-type: none"> • People to use public transport and minimize use of personal vehicles. • Use technology, take less congested route even if slightly longer. • Regularly replace air filters at recommended intervals in your automobiles. • Avoid dust generating construction activities during months of October to January. • Avoid open burning of solid waste and bio-mass.

**Stage III – 'Severe' Air Quality
(DELHI AQI ranging between 401-450)**

Actions	Agencies responsible / Implementing Agencies
<p>1. Construction & Demolition activities:</p> <p>(i) Enforce strict restrictions on the following categories of dust generating/ air pollution causing C&D activities in the entire NCR:</p> <ul style="list-style-type: none"> • Earthwork for excavation and filling including boring & drilling works. • Piling works. • All demolition works. • Laying of sewer line, water line, drainage and electric cabling etc. by open trench system. • Brick / masonry works. • Operation of RMC batching plant. • Major welding and gas-cutting operations. <i>Minor welding activities for MEP works (Mechanical, Electrical and Plumbing) to be, however, permitted.</i> • Painting, polishing and varnishing works etc. • Cement, Plaster / other coatings, except for minor indoor repairs/maintenance. • Cutting / grinding and fixing of tiles, stones and other flooring materials, except for minor indoor repairs/maintenance. • Road construction activities and major repairs. • Transfer, loading / unloading of dust generating materials like cement, fly-ash, bricks, sand, murrum, pebbles, crushed stone etc. anywhere within / outside the project sites. • Movement of vehicles carrying construction materials on unpaved roads. • Any transportation of demolition waste. 	<ul style="list-style-type: none"> - NCR State Governments and GNCTD - Chairpersons – CPCB, DPCC, SPCBs (NCR). - Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.

(ii) All construction related activities, **other than those listed under 1(i) above**, which are relatively less polluting / less dust generating shall be permitted to be continued in the NCR, subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time.

(iii) All C&D related activities, including those under 1(i) above, shall be continued to be permitted only for the following categories of projects, however subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms including compliance with the directions of the Commission issued from time to time:

- (a) Projects for Railway services and stations
- (b) Projects for Metro Rail Services and stations
- (c) Airports and Inter State Bus Terminals
- (d) National security/ defence related activities/ projects of national importance;
- (e) Hospitals/ health care facilities
- (f) Linear public projects such as highways, roads, flyovers, over bridges, power transmission/ distribution, pipelines, tele-communication services etc.
- (g) Sanitation projects like sewage treatment plants and water supply projects etc.
- (h) Ancillary activities, specific to and supplementing the above project categories.

2. Close down operations of stone crushers in the entire NCR.

- Chairpersons – CPCB, DPCC, SPCBs (NCR)
- Commissioner of Police - Delhi and DG of Police of NCR States
- District Magistrates / Deputy Commissioners of respective districts in Delhi and NCR States.

<p>3. Close down all mining and associated activities in the entire NCR.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs (NCR). - District Magistrates / Deputy Commissioners of respective districts in NCR. - Commissioner of Police - Delhi and IG / DIG / SP of NCR towns.
<p>4. NCR State Govts. / GNCTD to impose strict restrictions on plying of BS III petrol and BS IV diesel LMVs (4 wheelers) in Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Budh Nagar.</p> <p>Note: Persons with Disabilities shall be permitted to ply BS – III Petrol / BS – IV Diesel LMVs, provided that these are specifically adopted for them and are run only for their personal use.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD. - Commissioner or Head of Transport Department - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>5. GNCTD to impose strict restrictions on plying of Delhi - registered Diesel operated Medium Goods Vehicles (MGVs) to BS-IV standards or below, in Delhi, except those vehicles carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments in NCR and GNCTD. - Commissioner or Head of Transport Department - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>6. GNCTD to not permit BS-IV and below diesel operated LCVs (goods carriers), registered outside Delhi, to enter Delhi, except those carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments - Transport Commissioners, GNCTD/ NCR States - Commissioners / Head of Urban Local Bodies in Delhi-NCR towns. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>7. (i) State Govts. in the NCR and the GNCTD to mandatorily conduct classes in schools for children up to class V in a "Hybrid" mode i.e., both in physical and online mode (wherever online mode is feasible) in the territorial jurisdiction of the NCT of Delhi and in the districts of Gurugram,</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.

<p>Faridabad, Ghaziabad and Gautam Buddh Nagar.</p> <p>(ii) The NCR State Governments may also consider conducting classes for students up to Class V in a "Hybrid" mode as above in other areas in NCR.</p> <p>Note: The option to exercise the online mode of education, wherever available, shall vest with the students and their guardians.</p>	
<p>8.</p> <p>(i) GNCTD and NCR State Governments to stagger timings for public offices and municipal bodies in the National Capital Territory of Delhi and the districts of Gurugram, Faridabad, Ghaziabad and Gautam Buddh Nagar.</p> <p>(ii) State Governments may take a decision to stagger timings for public offices and municipal bodies in other areas of NCR.</p>	<p>- NCR State Governments and Central Government</p>
<p>9. Central Government may take a decision on staggering of timings of Central Government offices in Delhi – NCR.</p>	<p>- Central Government</p>
<p>CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Walk or use cycles for small distances. • Choose a cleaner commute. Share a ride to work or use public transport. • People, whose positions allow working from home, may work from home. • Do not use coal and wood for heating purpose. • Individual house owners may also provide electric heaters to security / other staff employed by them to avoid open burning of bio-mass / wood / MSW. • Combine errands and reduce trips.

Stage IV – ‘Severe +’ Air Quality (DELHI AQI > 450)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Stop entry of truck traffic into Delhi (except for trucks carrying essential commodities/ providing essential services. All LNG/ CNG / Electric/ BS-VI Diesel trucks) shall however be permitted to enter Delhi.</p>	<ul style="list-style-type: none"> - State Governments - Transport Commissioners, GNCTD/ NCR States - Commissioners / Head of Urban Local Bodies in Delhi-NCR towns. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>2. Enforce strict ban on plying of Delhi - registered diesel operated BS-IV and below Heavy Goods Vehicles (HGVs) in Delhi, except those carrying essential commodities / providing essential services.</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD - Transport Commissioners, GNCTD/ NCR States. - Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.
<p>3. Ban C&D activities, as in the GRAP Stage- III, also for linear public projects such as highways, roads, flyovers, overbridges, power transmission, pipelines, tele-communication etc.</p>	<ul style="list-style-type: none"> - Chairpersons – CPCB, DPCC, SPCBs - Commissioners / Chief Engineers of Urban Local Bodies in Delhi - NCR towns. - Nodal officers of road owning agencies (dust control and management cells).
<p>4. (i) State Govts. in the NCR and the GNCTD to mandatorily conduct classes in schools for children even for higher classes i.e. from class VI to IX and XI in a "Hybrid" mode i.e., both in physical and online mode (wherever online mode is feasible) in the territorial jurisdiction of the NCT of Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Buddh Nagar.</p>	<ul style="list-style-type: none"> - State Governments of NCR & GNCTD.

<p>(ii) The NCR State Governments may also consider conducting classes for students as above in a "Hybrid" mode in other areas in NCR.</p> <p>Note: The option to exercise the online mode of education, wherever available, shall vest with the students and their guardians.</p>	
<p>5. NCR State Governments / GNCTD to take a decision on allowing public, municipal and private offices to work on 50% strength and the rest to work from home.</p>	<p>- State Governments of NCR & GNCTD.</p>
<p>6. Central Government may take appropriate decision on permitting work from home for employees in central government offices.</p>	<p>- Central Government (DoPT).</p>
<p>7. State Governments may consider additional emergency measures like closure of colleges/ educational institutions and closure of non-emergency commercial activities, permitting running of vehicles on odd-even basis of registration numbers etc.</p>	<p>- State Governments of NCR & GNCTD.</p>
<p>CITIZEN CHARTER</p>	<ul style="list-style-type: none"> • Children, elderly and those with respiratory, cardiovascular, cerebrovascular or other chronic diseases to avoid outdoor activities and stay indoors, as much as possible. If required to move outdoors, they are advised to wear mask.
