

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No. 44727/2021 in WRIT PETITION(C) NO. 728/2015

Arjun Gopal and others

...Petitioners

Versus

Union of India and others

...Respondents

WITH

WRIT PETITION(C) NO. 891/2016

WRIT PETITION(C) NO. 895/2016

WRIT PETITION(C) NO. 899/2016

WRIT PETITION(C) NO. 213/2017

ORDER

1. The present application has been preferred by the applicants praying for the following directions:

- a) ban the sale, purchase and use of firecrackers in India;
- b) State Governments and police to take immediate appropriate steps against anyone seeking to manufacture, sell or purchase firecrackers;
- c) District Magistrates and Superintendents of Police of every district be made personally accountable if the order for a complete ban on the manufacture, sale, purchase and use of firecrackers is violated;
- d) The Delhi Police be directed to state on affidavit the senior level officer(s) that are to be responsible and personally accountable for ensuring that the ban on transportation of fireworks into Delhi and NCR from outside regions is properly enforced and violators caught and punished; and
- e) suspend the licenses of all manufacturers selling fake 'green crackers' that contained banned substances

and seeking to bring on record the tests done by 'Awaaz Foundation' alleging

Signature Not Verified

Digital Signature by R
Nataraj
Date: 2024.10.29
18:01:25 IST
Reason:

that the banned firecrackers are being manufactured, used and sold though they are specifically banned by this Court and alleging that 'green crackers'

are being sold in the market by fireworks manufacturers containing chemicals that have been banned by this Court and not only that but even the fake QR codes are printed on the boxes and mislabelling them as 'green crackers'.

2. Earlier by order dated 11.11.2016, by way of interim directions, this Court directed the Central Government to:

- i) suspend all such licences as permit sale of fireworks, wholesale and retail, within the territory of NCR;
- ii) the suspension shall remain in force till further orders of this Court; and
- iii) no such licences shall be granted or renewed till further orders.

While issuing the aforesaid interim directions, this Court took into consideration the harmful effects of fireworks on the ambient air and the lungs, eyes and ears of the people. This Court also took note of the fact that extreme nuisance, noise the fireworks cause to citizens particularly the ailing and the aged.

3. That thereafter, this Court issued further directions in terms of order dated 12.09.2017, reported in (2017) 16 SCC 280 (para 72), which reads as under:

"72. As mentioned above, the health of the people in Delhi and in NCR must take precedence over any commercial or other interest of the applicant or any of the permanent licensees and, therefore, a graded regulation is necessary which would eventually result in a prohibition. Taking all factors into consideration, we are of the view that the following orders and directions are required to be issued and we do so:

72.1. The directions issued by this Court in *Sadar Bazar Fire Works (Pucca Shop) Assn. v. Pankaj Traders*, SLP (C) No. 17327 of 1993, order dated 1-11-1993 (SC)] · [*Sadar Bazar Fire Works (Pucca Shop) Assn. v. Pankaj Traders*, SLP (C) No. 17327 of 1993, order dated 22-10-1993 (SC)] shall stand partially modified to the extent that they are not in conformity with the Explosives Rules which shall be implemented in full by the authorities concerned. Safety from fire hazards is one of our concerns in this regard.

72.2. Specifically, Rule 15 relating to marking on explosives and packages and Rule 84 relating to temporary shops for possession and sale of fireworks during festivals of the Explosives Rules shall be strictly enforced. This should not be construed to mean that the other Rules need not be enforced — all Rules should be enforced. But if the fireworks do not conform to the requirements of Rules 15 and 84, they cannot be sold in NCR, including Delhi and this prohibition is absolute.

72.3. The directions issued and restrictions imposed in the order passed by this Court on 18-7-2005 in *Noise Pollution (5)* [*Noise Pollution (5)*, *In re*, (2005) 5 SCC 733] shall continue to be in force.

72.4. The police authorities and the District Magistrates concerned will ensure that fireworks are not burst in silence zones, that is, an area at least 100 m away from hospitals, nursing homes, primary and district health-care centres, educational institutions, courts, religious places or any other area that may be declared as a silence zone by the authorities concerned.

72.5. The Delhi Police is directed to reduce the grant of temporary licences by about 50% of the number of licences granted in 2016. The number of temporary licences should be capped at 500. Similarly, the States in NCR are restrained from granting more than 50% of the number of temporary licences granted in 2016. The area of distribution of the temporary licences is entirely for the authorities to decide.

72.6. The Union of India will ensure strict compliance with the Notification GSR No. 64 (E) dated 27-1-1992 regarding the ban on import of fireworks. The Union of India is at liberty to update and revise this notification in view of the passage of time and further knowledge gained over the last 25 years and issue a fresh notification, if necessary.

72.7. The Department of Education of the Government of NCT of Delhi and the corresponding Department in other States in NCR shall immediately formulate a plan of action, in not more than 15 days, to reach out to children in all the schools through the school staff, volunteers and NGOs to sensitise and educate school children on the health hazards and ill-effects of breathing polluted air, including air that is polluted due to fireworks. School children should be encouraged to reduce, if not eliminate, the bursting of fireworks as a part of any festivities.

72.8. The Government of NCT of Delhi and other States in NCR may consider interacting with established medical institutions for issuing advisories cautioning people about the health hazards of bursting fireworks.

72.9. The interim direction issued by this Court on 31-7-2017 [*Arjun Gopal v. Union of India* (2017) 16 SCC 310] prohibiting the use of compounds of antimony, lithium, mercury, arsenic and lead in the manufacture of fireworks is made absolute. In addition, the use of strontium chromate in the manufacture of fireworks is prohibited.

72.10. Fireworks containing aluminium, sulphur, potassium and barium may be sold in Delhi and in NCR, provided the composition already approved by PESO is maintained. It is the responsibility of PESO to ensure compliance with the standards it has formulated.

72.11. Since there are enough fireworks available for sale in Delhi and NCR, the transport of fireworks into Delhi and NCR from outside the region is prohibited and the law enforcement authorities concerned will ensure that there is no further entry of fireworks into Delhi and NCR till further orders. In our opinion, even 50,00,000 kg of fireworks is far more than enough for Dussehra and Diwali in 2017. The permanent licensees are at liberty to exhaust their existing stock of fireworks in Delhi and NCR and, if that is not possible, take measures to transport the stocks outside Delhi and NCR.

72.12. The suspension of permanent licences as directed by the order dated 11-11-2016 [*Arjun Gopal v. Union of India*, (2017) 1 SCC 412] is lifted for the time being. This might require a review after Diwali depending on the ambient air quality post Diwali. However, it is made explicit that the sale of fireworks by the permanent licensees must conform to the directions given above and must be fully in compliance with the Explosives Rules. We were informed that the permanent licences were issued by PESO and therefore the responsibility is on PESO to ensure compliance.

72.13. While lifting the suspension on the permanent licences already granted, we put these licensees on notice for Dussehra and Diwali in 2018 that they will be permitted to possess and sell only 50% of the quantity permitted in 2017 and that this will substantially reduce over the next couple of years. The permanent licensees are at liberty to file objections to this proposed direction within 30 days from today and thereafter the objections if any will be heard and decided. If no objections are filed, this direction will become absolute without any further reference to any licensee.

72.14. Since there is a lack of clarity on the safety limits of various metals and constituents used in fireworks, a research study must be jointly carried out by the

CPCB and the FDRC laying down appropriate standards for ambient air quality in relation to the bursting of fireworks and the release of their constituents in the air. While Schedule VII to the Environment (Protection) Rules, 1986 does deal with several metals, but as we have seen there are several other metals or constituents of fireworks that have not been studied by the CPCB and no standards have been laid down with regard to the concentration of these metals or constituents in the ambient air. The CPCB has assured us that it will complete the exercise by 15-9-2017 but keeping in mind its track record subsequent to the order dated 11-11-2016 [*Arjun Gopal v. Union of India*, (2017) 1 SCC 412] this does not seem possible. Therefore, we grant time to the CPCB to come out with definite standards on or before 30-9-2017.

72.15. In any event, a research study also needs to be conducted on the impact of bursting fireworks during Dussehra and Diwali on the health of the people. We, therefore, appoint a Committee to be chaired by the Chairperson of the CPCB and consisting of officers at the appropriate level from the National Physical Laboratory, Delhi; the Defence Institute of Physiology and Allied Sciences, Timarpur, Delhi; the Indian Institute of Technology, Kanpur; scientists from the State Pollution Control Boards, the Fire Development and Research Centre, Sivakasi and Nagpur and the National Environment Engineering Research Institute (NEERI) nominated by the Chairperson of the CPCB to submit a report in this regard preferably on or before 31-12-2017.

72.16. Keeping in mind the adverse effects of air pollution, the human right to breathe clean air and the human right to health, the Central Government and other authorities should consider encouraging display of fireworks through community participation rather than individual bursting of fireworks."

4. That thereafter, vide further directions dated 23.10.2018 and after considering the affidavit filed on behalf of the Ministry of Environment, this Court issued further interim directions/directions contained in para 48 (reported in (2019) 13 SCC 523), which reads as under:

48. We are of the opinion that the aforesaid suggestions strike a nice balance between the two competing interests. We accept the aforesaid measures as suggested by the Union of India and direct the Union of India and other authorities concerned to implement the same with immediate effect. In view

thereof, the following specific directions are issued:

48.1. The crackers with reduced emission (improved crackers) and green crackers, as mentioned in Suggestions II and III above only would be permitted to be manufactured and sold.

48.2. As a consequence, production and sale of crackers other than those mentioned in Suggestions II and III is hereby banned.

48.3. The manufacture, sale and use of joined firecrackers (series crackers or *laris*) is hereby banned as the same causes huge air, noise and solid waste problems.

48.4. The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling those firecrackers which are permitted by this order.

48.5. No e-commerce websites, including Flipkart, Amazon, etc., shall accept any online orders and effect online sales. Any such e-commerce companies found selling crackers online will be hauled up for contempt of court and the Court may also pass, in that eventuality, orders of monetary penalties as well.

48.6. Barium salts in the fireworks is also hereby banned.

48.7. PESO is directed to review the clinical composition of fireworks, particularly reducing Aluminium content, and shall submit its report in respect thereof within a period of two weeks from today. For undertaking this exercise, PESO would also associate FRDC.

48.8. Even those crackers which have already been produced and they do not fulfil the conditions mentioned in Suggestions II and III above will not be allowed to be sold in Delhi and NCR.

48.9. PESO will ensure fireworks with permitted chemicals only to be purchased/possessed/sold/used during Diwali and all other religious festivals, of any religion whatsoever, and other occasions like marriages, etc. It shall test and check for the presence of banned chemicals like lithium/arsenic/antimony/lead/mercury.

48.10. PESO will ensure suspension of the licences of manufacturers of such fireworks items and appropriate disposal of such stock.

48.11. PESO will ensure that only those crackers whose decibel (sound) level are within the limits are allowed in the market and will ensure to take action by suspending the licences of the manufacturers on such violations and disposal of such lots. To add to it, as mentioned in the order dated 12-9-2017 [*Arjun Gopal v. Union of India*, (2017) 16 SCC 280], the directions issued and restrictions imposed in the order passed by this Court on 18-7-2005 in *Noise Pollution (5)* [*Noise Pollution (5)*, *In re*, (2005) 5 SCC 733] shall continue to be in force.

48.12. Directions 4 to 9 and 11 contained in the order dated 12-9-2017 [*Arjun Gopal v. Union of India*, (2017) 16 SCC 280] shall continue to operate and are reiterated again.

48.13. Extensive public awareness campaigns shall be taken up by the Central Government/State Governments/Schools/Colleges informing the public about the harmful effects of firecrackers.

48.14. On Diwali days or on any other festivals like *Gurupurab*, etc., when such fireworks generally take place, it would strictly be from 8.00 p.m. till 10.00 p.m. only. On Christmas eve and New Year's eve, when such fireworks start around midnight i.e. 12.00 a.m., it would be from 11.55 p.m. till 12.30 a.m. only.

48.15. The Union of India, Government of NCT of Delhi and the State Governments of NCR would permit community firecracking only (for Diwali and other festivals, etc. as mentioned above), wherever it can be done. For this purpose, particular area/fields would be pre-identified and predesignated by the authorities concerned. This exercise shall be completed within a period of one week from today so that the public at large is informed about the designated places one week before Diwali. The areas designated now for the purpose of Diwali shall be valid for community firecracking on other occasions/festivals as well, as mentioned above. Even for marriages and other occasions, sale of improved crackers and green crackers is only permitted. Insofar as other States are concerned, an endeavour shall be made by them also to explore the feasibility of community firecracking. However, it is made clear that Direction 48.14 pertaining to the duration within which fireworks can take place on all such occasions would be applicable throughout India. Similarly, Direction 48.13 for extensive public awareness campaigns is also a pan India direction.

48.16. All the official respondents, and particularly the police, shall ensure that fireworks take place only during the designated time and at designated places, as mentioned above. They shall also ensure that there is no sale of banned firecrackers. In case any violation is found, the Station House Officer (SHO) of the police station of the area concerned shall be held personally liable for such violation and this would amount to committing contempt of the Court, for which such SHO(s) would be proceeded against.

48.17. CPCB and respective State Pollution Control Boards/Pollution Control Committees (SPCBs/PCCs) of the States and Union Territories shall carry out short-term monitoring in their cities for 14 days (commencing from 7 days prior to Diwali and ending 7 days after Diwali) for the parameters namely, aluminium, barium, iron apart from the regulatory parameters against the short-term Ambient Air Quality Criteria Values (AAQCVs) proposed by CPCB with regard to bursting of

firecrackers. This will help in generation of data on pollution caused by the bursting of firecrackers and would be helpful for regulation and control quantity of aluminium, barium and iron used in the manufacture of firecrackers.

5. That thereafter, this Court had an occasion to consider the prayer made on behalf of the Fireworks Manufacturers to permit manufacture of fireworks with Barium substitute, i.e, Barium Nitrate. However, the same has not been permitted till date and use of Barium Salts in the fireworks is continued to be banned.

6. It is unfortunate that despite the various directions issued by this Court referred to hereinabove, there is a blatant violation of various directions issued by this Court and it is alleged that manufacture, sale and use of banned fireworks have been continued. Even though they are banned, the manufacturing, selling and using of joined firecrackers have been continued and the same is being used in blatant violation of the directions issued by this Court. It is reported that even under the guise of 'green crackers' banned chemicals firecrackers are being sold and there is a mislabelling on the boxes and even the QR codes provided on the boxes of 'green crackers' are alleged to be fake.

7. There is a report submitted by the CBI submitted pursuant to the earlier directions/orders passed by this Court and it prima facie appears that there is a blatant violation of the directions issued by this Court by the respective manufacturers and the banned firecrackers are being sold and used in the

markets. The allegations, if found to be true, are very serious and cannot be tolerated. Everybody including the implementing agencies are bound to see that the directions issued by the Courts are implemented and followed in its true spirit and in toto. It prima facie appears that the implementing agencies of the concerned States either lack desire to implement the directions issued by this Court or they close their eyes for whatever reasons. Despite the use of Barium Salts in the firecrackers was banned; manufacture and use of the joined fireworks have been banned and transporting and selling them across the country have also been banned physically and/or online, the banned firecrackers are being manufactured, transported, sold and used. From the earlier directions, it can be seen that even the responsibility to see that the directions issued by this Court are complied with by all concerned was on the concerned District Magistrates and the Police officials.

8. Considering the fact that earlier directions issued by this Court which have been issued by this Court from time to time in the larger public interest and having found that such use of banned fireworks affects the health of the other innocent citizens including the senior citizens and the children, it is the duty of all the States/State Agencies to see that the directions issued by this Court in the earlier orders reproduced hereinabove are strictly complied with. No authority can be permitted the violation of the directions issued by this Court and permit banned firecrackers under the guise of celebration. Celebration cannot be at the cost of the other's health. Under the guise of

celebration, nobody can be permitted to infringe the right to health of the others, guaranteed under Article 21 of the Constitution of India and nobody can be permitted to play with the life of the others, more particularly the senior citizens and the children. It is made clear that there is no total ban on use of firecrackers. Only those firecrackers are banned, as directed hereinabove, which are found to be injurious to health and affecting the health of the citizens, more particularly the senior citizens and the children.

9. Before passing any further orders and while adjourning the present application, we again reiterate the directions issued by this Court earlier reproduced hereinabove including banning the use of Barium Salts in the firecrackers and manufacturing and selling joined firecrackers and other directions issued by this Court reproduced hereinabove. We direct all the States/Union Territories to see that the directions issued earlier by this Court and issued by this Court today are strictly complied with in its true spirit and in toto. Any lapse on the part of the State Governments/State Agencies and Union Territories shall be viewed very seriously and if it is found that any banned firecrackers are manufactured, sold and used in any particular area, the Chief Secretary of the concerned State(s), the Secretary (Homes) of the concerned State(s) and the Commissioner of Police of the concerned area, District Superintendent of Police of the concerned area and the SHO/Police Officer in-charge of the concerned police station shall be held personally liable. Nobody can be permitted to flout and/or disobey the directions issued

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by this Court/Courts. Any wilful and deliberate disobedience shall have to be viewed very seriously.

10. All States/Union Territories are directed to give due publicity through electronic media/print media/local cable services to make the people aware and know the directions issued by this Court issued hereinabove with respect to manufacture, use and sale of banned firecrackers.

11. With the above directions, the present application is adjourned to 30.11.2021 for further hearing.

.....J.
[M.R. SHAH]

NEW DELHI;
OCTOBER 29, 2021.

.....J.
[A.S. BOPANNA]

ITEM NO.31
(Part-Heard)

Court 13 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
Writ Petition (Civil) No. 728/2015

ARJUN GOPAL & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

(IA No. 178878/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 76593/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 72421/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 15541/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 24794/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 119396/2017 - CLARIFICATION/DIRECTION
IA No. 110450/2021 - CLARIFICATION/DIRECTION
IA No. 44727/2021 - CLARIFICATION/DIRECTION
IA No. 13877/2019 - EXEMPTION FROM FILING O.T.
IA No. 178876/2018 - INTERVENTION/IMPLEADMENT
IA No. 10915/2019 - INTERVENTION/IMPLEADMENT
IA No. 4/2019 - INTERVENTION/IMPLEADMENT
IA No. 58280/2021 - INTERVENTION/IMPLEADMENT
IA No. 179554/2018 - INTERVENTION/IMPLEADMENT
IA No. 179145/2018 - INTERVENTION/IMPLEADMENT
IA No. 179036/2018 - INTERVENTION/IMPLEADMENT
IA No. 105478/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 891/2016 (PIL-W)

W.P.(C) No. 895/2016 (PIL-W)

W.P.(C) No. 899/2016 (PIL-W)

W.P.(C) No. 213/2017 (PIL-W)

Date : 29-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Shrutanjaya Bhardwaj, Adv.

Petitioner-in-person

Mr. Abhishek Agarwal, AOR

contd..

Mr. Anubhav Kumar, Adv.
Mr. Abhishek Swarup, Adv.
For M/s. Manoj Swarup And Co., AOR

For Respondent(s) Mrs. Yugandhara Pawar Jha, AOR

Mr. S. K. Verma, AOR

Mr. Mohinder Jit Singh, AOR

Mr. Suvidutt M.S., AOR

Mrs. Anu B., Adv.

Mrs. Dhanya C., Adv.

Ms. Vijayalakshmi Raju, Adv.

Mr. Ashok Kumar Gupta II, AOR

Mr. Rajiv Dutta, Sr. Adv.

Mr. M. A. Chinnasamy, AOR

Ms. C. Rubavathi, Adv.

Mr. M. Veeraragavan, Adv.

Ch. Leela Sarveswar, Adv.

Mr. V. Senthil Kumar, Adv.

Mr. P. Rajaram, Adv.

Mr. Ethiraj, Adv.

Ms. Aishwarya Bhati, ASG

Mr. Ajit Kumar Sinha, Sr. Adv.

Mr. Vibhu Shanker Mishra, Adv.

Ms. Archana Pathak Dave, Adv.

Mr. Satya Lipsu Ray, Adv.

Mr. Balendu Shekhar, Adv.

Mr. S. S. Rebello, Adv.

Mohd. Akhil, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. B. Krishna Prasad, AOR

Mr. Anish R. Shah, AOR

Mrs. V. D. Khanna, AOR

M/s. Corporate Law Group, AOR

Mr. Vijay Panjwani, AOR

Mr. Chirag M. Shroff, AOR

Mr. Dushyant Dave, Sr. Adv.

Mr. S.S. Madhavan, Adv.

Mr. G. Ananda Selvam, Adv.

contd..

Mr. Anand Dilip Landge, AOR

Mr. Harin Raval, Sr. Adv.
Mr. S.S. Madhavan, Adv.
Ms. Sukanya Singh, Adv.
Mr. Kartikey Kanojiya, Adv.
Mr. Anand Dilip Landge, AOR

Mrs. Kiran Suri, Sr. Adv.
Mr. G. Ananda Selvam, Adv.
Mr. Mayil Samy K., Adv.
Mr. P. Srinivasan, Adv.
Mrs. Lakshmi Ramamurthy, AOR

Mr. G. Ananda Selvam, Adv.
Mr. R. Sathish Kumar, Adv.
Mr. R. Shyam Sundar, Adv.
Mrs. Lakshmi Ramamurthy, AOR

Applicant-in-person

Ms. Ranjeeta Rohatgi, AOR

Mr. Mukesh Verma, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Vinodh Kanna B., AOR

Mr. Deepak Jain, Adv.
Mr. Tanay Pareek, Adv.
Mrs. Jaspreet Aulakh, Adv.
Mr. Tanpreet Gulati, Adv.
Mr. Georgey V M, Adv.
Mr. Vaibhav Manu Srivastava, AOR

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.

Ms. Usha Nandini. V, AOR

Mr. Tayenjam Momo Singh, AOR

Mr. G.M. Kawaoosa, Adv.
Ms. Taruna Ardhendumauli Prasad, AOR

Mr. T. V. S. Raghavendra Sreyas, AOR

Mr. Jayanth Muth Raj Sr. Adv.
Mrs. Malavika Jayanth Adv
Mr. Sureshan P., AOR

Ms. Supriya Juneja, AOR

Mr. Subhro Sanyal, AOR

Mr. Shuvodeep Roy, AOR

Mr. Kabir Shankar Bose, Adv.

Mr. Ishaan Borthakur, Adv.

Ms. Ruchira Gupta, Adv.

Mr. Shishir Deshpande, AOR

Mr. Anurag Sharma, Adv.

Mr. Anil Grover, Sr. AAG

Ms. Noopur Singhal Adv.

Mr. Satish Kumar Adv.

Mr. Sanjay Kumar Visen, AOR

Ms. Babita Mishra, Adv.

Mr. Samir Ali Khan, AOR

Ms. Parnika Medhekar, Adv.

Mr. S. Ravi Shankar, AOR

Mr. S. N. Bhat, AOR

Ms. Ruchira Goel, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Ms. Anupama Ngangom, Adv.

Mr. Karun Sharma, Adv.

Mr. Praveen Swarup, AOR

Ms. Payal Swarup, Adv.

Mr. Ammeet Siingh, Adv.

Ms. Pareena Swarup, Adv.

Mr. Kanishk Chaudhary, Adv.

Ms. Pooja Sharma, Adv.

Mr. Survesh Kumar, Adv.

Mr. Rahul Tomar, Adv.

Mr. Chandra Pratap Singh, Adv.

Mr. Ajay Bansal, Adv.

Mr. Praveen Swarup, Adv.

Mr. Pradeep Misra, AOR

Mr. Suraj Singh, Adv.

Mr. Bhuwan Chandra, Adv.

Mr. Manoj Kr Sharma, Adv.

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Abhishek Manchanda, Adv.
Mr. Sayandeep Pahari, Adv.
For M/s. PLR Chambers And Co., AOR

Mr. Arunabh Chowdhury, AAG
Ms. Pragya Baghel, Adv.
Ms. Pallavi Langar, AOR
Mr. Abhishek Roy, Adv.
Mr. Aditya Kumar, Adv.

Mr. P. V. Yogeswaran, AOR
Mr. Ashish Kumar Upadhyay, Adv.
Mr. Y. Lokesh, Adv.
Ms. V. Keerthana, Adv.
Mr. Anubhav Chaturvedi, Adv.
Mr. Pankaj Agarwal, Adv.
Mr. Bhupender Singh, Adv.
Ms. Indira Bhakar, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv
Ms. Manya Hasija, Adv
Ms. Pragya Barsaiyan, Adv
Mr. Akash Singh, Adv
Mr. Nirnimesh Dube, AOR

Ms. Nidhi Jaswal, AOR

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Rajiv Kumar Sinha, Adv.
Mr. Nishant Verma, Adv.
Mr. Narendra Kumar, AOR

Ms. Manisha Ambwani, AOR

Mrs. Malavika Jayanth, AOR

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
Mr. K.V.Girish Chowdary, Adv.

Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Chowdhury, Adv.

Mr. Anant, Adv.

Mr. M. Yogesh Kanna, AOR

Mr. M. Shoeb Alam, AOR

Mr. K. V. Muthu Kumar, AOR

Ms. K. Enatoli Sema, AOR

Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Jogy Scaria, AOR

Mr. Jayesh K. Unnikrishnan, AOR

Mr. Vijay Pratap Singh, Adv

Mr. Hitendra Nath Rath, AOR

Ms. Garima Bajaj, AOR

Mr. K. V. Jagdishvaran, Adv.

Ms. G. Indira, AOR

Ms. N. P. Haibilila, Adv.

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Jayesh Gaurav, Adv.

Ms. Diksha Ojha, Adv.

Mr. Farrukh Rasheed, AOR

Mr. Jaideep Gupta, Sr. Adv.

Mr. D. Kumanan, AOR

Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. D. N. Goburdhan, AOR

Ms. Gauri Goburdhan, Adv.

Mr. Avijit Roy, AOR

Ms. Astha Sharma, AOR

Mr. Ashiesh Kumar, AOR

Mr. Arvind Kumar Sharma, AOR

Mr. Arvind Kumar, AOR

Mr. Aravindh S., AOR

Mrs. Anil Katiyar, AOR

Ms. Aishwarya Bhati, ASG

Mr. Ajit Kr. Sinha, Sr. Adv.
Mr. B.K.Satija, Adv.
Mr. A. S. Sinha, Adv.
Ms. Ruchi Kohli, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Mohd. Akhil, Adv.
Mr. Amrish Kumar, AOR

Mr. Abhimanyu Tewari, Adv.
Ms. Eliza Bar, Adv.

Dr. A. P. Singh, Adv.
Mr. V. P. Singh, Adv.
Ms. Geeta Chauhan, Adv.
Mr. Sadashiv, AOR
Ms. Richa Singh, Adv.
Ms. Pratima Rani, Adv.
Mr. Jai Gopal Saboo, Adv.
Mr. Sharwan Kumar Goyal, Adv.

Mr. S. Manoj Selvaraj, Adv.
Ms. J. Vijetha, Adv.
Ms. J. Kiran, Adv.
Mr. Mohammad Javed Malik, Adv.
Mr. Ajay Sharma, Adv.
Ms. Leena Saxena, Adv.
Ms. Nancy Mittal, Adv.
Mr. C. Solomon, Adv.
Mr. R. Naveen Raj, Adv.
Mr. Krishna Perumal, Adv.
Ms. Tanuja Manjari Patra, Adv.
Ms. Aswathi M.K., AOR

Ms. Aishwarya Bhati, ASG
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Vibhu Shanker Mishra, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Satya Lipsu Ray, Adv.
Mr. Balendu Shekhar, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Sanjay Kumar Tyagi, AOR
Ms. Vandana Sehgal, AOR

Mr. Chandan Kumar, AOR
Mr. Gaurang Kanth, Adv.
Ms. Gauri Goburdhun, Adv.

Ms. Rohini Musa, AOR

Ms. Aishwarya Bhati, ASG
Mr. Ajit Kr. Sinha, Sr. Adv.
Ms. Ruchi Kohli, Adv.

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Mr. B.K.Satija, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. G Prakash, AOR
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. V. Krishnamurthy, Sr. Adv/AAG
Dr. Joseph Aristotle S., AOR.
Ms. Preeti Singh, Adv.
Ms. Ripul Swati Kumari, Adv.

Mr. S. Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.

Mr. Avijit Mani Tripathi, AOR,
Mr. Shaurya Sahay, Adv.
Ms. Tarini K. Nayak, Adv.

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

I.A. No. 44727/2021 in WRIT PETITION(C) NO. 728/2015

With the directions as mentioned in the signed order, the
present application is adjourned to 30.11.2021 for further hearing.

(NEETU SACHDEVA)
COURT MASTER (SH)

(signed order is placed on the file)

(NISHA TRIPATHI)
BRANCH OFFICER

July 23, 2021

23/7/2021

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2865-2867 OF 2021
(Diary No. 10229 of 2021)

UTTAR PRADESH UDHYOG VYAPAR
PRATINIDHI MANDAL & ANR.

Appellant(s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST
AND LIMATE CHANGE & ANR. ETC.

Respondent(s)

WITH
CIVIL APPEAL NO.2868-2870 OF 2021
(Diary No. 14112 of 2021)

O R D E R

Permission to file appeals is granted.

Heard Mr. P.S. Narsimha, learned senior counsel and
Mr. Sai Deepak, learned counsel appearing for appellants-
applicants.

In our opinion, the order impugned in these appeals
is self-eloquent. It has provided for a graded approach
to be adopted by all concerned, keeping in mind the
prevailing Covid-19 situation.

Signature Not Verified

Digitally signed by
DEEPAK SINGH
Date: 2021.07.27
19:29:38 IST
Reason: []

It is submitted that Clause (i) of paragraph 32 of
the order dated 01.12.2020 is very wide. It completely

prohibits all the activities which even this Court did not countenance.

We are not impressed by this argument.

The purport of Clause (i), in our opinion, is that there will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic only where the air quality becomes "poor" or more than poor category. That is a just direction.

In other words, if the air quality of the concerned area is moderate or better, the authorities may permit the sale and use of green fire crackers, as specified in the order itself. The operative part of the order reads thus:

"32. In view of above discussion, following directions are issued:

i. There will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic in the NCR and all cities/towns in the country where the ambient air quality falls under the 'poor' and above category.

ii. Direction to restrict use of fire crackers in cities/towns where air quality is 'moderate' or below to green crackers only and for duration of not more than two hours and only for celebration of any specified festivals or permitted occasions will continue. Such festivals be specified by the States. Other than specified festivals, prior

01.12.2020

permission of the District Magistrate of the area will be required for use of crackers for limited period which will be given having regard to air quality.

iii. During Christmas and New Year, green crackers can be used from 11:55 pm to 12:30 am only at places where air quality is 'moderate' or below as directed by the Hon'ble Supreme Court.

iv. With a view to ensure availability of air quality data, atleast one air quality monitoring station must be set up at every district headquarter at the earliest. Where no such monitoring station exists, atleast a manual monitoring station which is very easy to set up and is not costly must be installed at the earliest, using simpler procedure like GeM. This should not exceed three months in any case. This will be the responsibility of the State PCBs/PCCs from available funds under 'consent mechanism' / 'environmental compensation'. The air quality data may be placed on the website of the District administration and also at prominent locations in the towns, in the form of AQI, $PM_{2.5}$ and PM_{10} .

v. We further direct that the Air Quality Monitoring Committees (AQMC) in terms of order of this Tribunal dated 08.10.2018 in OA No.681/2018 to coordinate with the District Magistrate. For compliance of the above directions.

vi. The District Magistrates in every district may take steps to ensure that banned fire crackers are not sold in terms of order of the Hon'ble Supreme Court dated 23.10.2018.

vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators

of the above directions on the parameters already mentioned in Para 24 above.

viii. Any victim of pollution, apart from other remedies, can approach the District Magistrate for compensation, by showing evidence of individual damage and the person responsible for the damage. Such claim may be dealt with by a reasoned order.

ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the Environment in the District.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.3.2021..."

No further clarification much less deliberation is required with regard to the correctness of the operative order as passed by the Tribunal.

The apprehension expressed by learned counsel appearing for the appellants/applicants that manufacturing activity will also be prohibited in the concerned area where the air quality falls under poor category is unfounded. For, the impugned order does not deal with manufacturing activity. Needless to observe that if that is covered by the general directions issued

by this Court in the reported decision, all concerned including the manufacturers must abide by the same and give effect to it in its letter and spirit.

In view of the above, these appeals are devoid of merits and are, therefore, dismissed.

Learned counsel for the appellants/applicants seek liberty to participate in the proceedings pending in this Court. If that option is open to the appellants/applicants, they are free to take recourse to that remedy, which obviously will be decided on its own merits.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi
July 23, 2021

ITEM NO.15

Court 4 (Video Conferencing)

SECTION XVII

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

CIVIL APPEAL Diary No(s). 10229/2021

(Arising out of impugned final judgment and order dated 01-12-2020 in OA No. 249/2020 01-12-2020 in OA No. 254/2020 01-12-2020 in OA No. 255/2020 passed by the National Green Tribunal)

UTTAR PRADESH UDHYOG VYAPAR PRATINIDHI MANDAL & ANR. Appellant (s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST
AND CLIMATE CHANGE & ANR.ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.69330/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69329/2021-EX-PARTE STAY and IA No.69331/2021-EXEMPTION FROM FILING O.T. and IA No.69328/2021-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 14112/2021 (XVII)

(FOR ADMISSION and I.R. and IA No.80393/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.80395/2021-EXEMPTION FROM FILING O.T. and IA No.80392/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 23-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. J. Sai Deepak, Adv.
Mr. Abhinav Hansaria, AOR
Mr. Arjun Maheshwari, Adv.

Mr. Anupam Kishore Sinha, AOR
Mr. Luv Virmani, Adv.

For Respondent(s)

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

Permission to file appeals is granted.

The appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(NEETU KHAJURIA)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

July 23, 2021

23/7/2021

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2865-2867 OF 2021
(Diary No. 10229 of 2021)

UTTAR PRADESH UDHYOG VYAPAR
PRATINIDHI MANDAL & ANR.

Appellant(s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST
AND LIMATE CHANGE & ANR. ETC.

Respondent(s)

WITH
CIVIL APPEAL NO.2868-2870 OF 2021
(Diary No. 14112 of 2021)

O R D E R

Permission to file appeals is granted.

Heard Mr. P.S. Narsimha, learned senior counsel and
Mr. Sai Deepak, learned counsel appearing for appellants-
applicants.

In our opinion, the order impugned in these appeals
is self-eloquent. It has provided for a graded approach
to be adopted by all concerned, keeping in mind the
prevailing Covid-19 situation.

Signature Not Verified

Digitally signed by
DEEPAK SINGH
Date: 2024.07.27
19:29:38+05'
Reason:

It is submitted that Clause (i) of paragraph 32 of
the order dated 01.12.2020 is very wide. It completely

prohibits all the activities which even this Court did not countenance.

We are not impressed by this argument.

The purport of Clause (i), in our opinion, is that there will be total ban on sale and use of all kinds of fire crackers during Covid-19 pandemic only where the air quality becomes "poor" or more than poor category. That is a just direction.

In other words, if the air quality of the concerned area is moderate or better, the authorities may permit the sale and use of green fire crackers, as specified in the order itself. The operative part of the order reads thus:

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01.12.2020

permission of the District Magistrate of the area will be required for use of crackers for limited period which will be given having regard to air quality.

iii. During Christmas and New Year, green crackers can be used from 11:55 pm to 12:30 am only at places where air quality is 'moderate' or below as directed by the Hon'ble Supreme Court.

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v. We further direct that the Air Quality Monitoring Committees (AQMC) in terms of order of this Tribunal dated 08.10.2018 in OA No.681/2018 to coordinate with the District Magistrate. For compliance of the above directions.

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vii. The District Magistrate, on a complaint or otherwise, will recover compensation from violators

of the above directions on the parameters already mentioned in Para 24 above.

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ix. If no such claim is made for six months after collection of the compensation, the amount credited to the 'District Environment Compensation Fund' can be spent for restoration of the Environment in the District.

x. The State PCBs/PCCs may compile data of compliance from all the Districts by 28.2.2021 and furnish the same to the CPCB by 15.3.2021. CPCB may file consolidated report in this regard in OA 681/2018 by 31.3.2021..."

No further clarification much less deliberation is required with regard to the correctness of the operative order as passed by the Tribunal.

The apprehension expressed by learned counsel appearing for the appellants/applicants that manufacturing activity will also be prohibited in the concerned area where the air quality falls under poor category is unfounded. For, the impugned order does not deal with manufacturing activity. Needless to observe that if that is covered by the general directions issued

by this Court in the reported decision, all concerned including the manufacturers must abide by the same and give effect to it in its letter and spirit.

In view of the above, these appeals are devoid of merits and are, therefore, dismissed.

Learned counsel for the appellants/applicants seek liberty to participate in the proceedings pending in this Court. If that option is open to the appellants/applicants, they are free to take recourse to that remedy, which obviously will be decided on its own merits.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi
July 23, 2021

ITEM NO.15

Court 4 (Video Conferencing)

SECTION XVII

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

CIVIL APPEAL Diary No(s). 10229/2021

(Arising out of impugned final judgment and order dated 01-12-2020 in OA No. 249/2020 01-12-2020 in OA No. 254/2020 01-12-2020 in OA No. 255/2020 passed by the National Green Tribunal)

UTTAR PRADESH UDHYOG VYAPAR PRATINIDHI MANDAL & ANR. Appellant (s)

VERSUS

MINISTRY OF ENVIRONMENT FOREST
AND CLIMATE CHANGE & ANR. ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.69330/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69329/2021-EX-PARTE STAY and IA No.69331/2021-EXEMPTION FROM FILING O.T. and IA No.69328/2021-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 14112/2021 (XVII)

(FOR ADMISSION and I.R. and IA No.80393/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.80395/2021-EXEMPTION FROM FILING O.T. and IA No.80392/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 23-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. J. Sai Deepak, Adv.
Mr. Abhinav Hansaria, AOR
Mr. Arjun Maheshwari, Adv.

Mr. Anupam Kishore Sinha, AOR
Mr. Luv Virmani, Adv.

For Respondent(s)

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

Permission to file appeals is granted.

The appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(NEETU KHAJURIA)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

