

I/258306/2024

HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph – 0172- 577870-73, Fax No. 2581201
E-mail- hspcbmisc@gmail.com
Website: hspcb.gov.in

HSPCB/Misc.Cell/2024/I/258306

Dated: 22.09.2024

To

All the Deputy Commissioners,
Haryana

Subject: Prohibition/restriction on the sale and use of Firecrackers in Haryana-reg

In continuation to the office letter no hspcb/miscl-cell/2024/I/25652 dated 10.09.2024, an amended draft order is forwarded herewith wherein section 144 of CrPC 1973 has been replaced as section 163 of Bhartiya Nagrik Surakhsha Sanhita 2023 and Indian Penal Code replaced by Bhartiya Nyaya Sanhita. Amended draft order is attached. May issue the order as amended in the draft orders please.

D.A as above

**BHUPENDER
SINGH
RINWA** Digitally signed by
BHUPENDER SINGH
RINWA
Date: 2024.09.22
10:48:06 +05'30'
**Chief Environmental Engineer
for Chairman**

Copy forwarded to all the ROs of HSPCB for information and to ensure that requisite orders are issued and publicized at the earliest, in close coordination with the DCs.

OFFICE OF THE DISTRICT MAGISTRATE, _____**ORDER**

WHEREAS, rising air pollution during the winter, specifically October to January months, is a serious health concern, especially with regard to high levels of particulate matters (PM) such as PM2.5 and PM10 exceeding the National Ambient Air Quality Standards (NAAQS) standards, 2009;

WHEREAS, several expert comments and other reports related to air pollution have indicated that during this time period, air pollution in the State of Haryana is at its peak and it has also been observed that various episodic events occurring during winter months aggravate air pollution levels in the State of Haryana;

WHEREAS, it is a well established scientific fact that high air pollution causes serious environmental risk with adverse effect on the health of people, particularly vulnerable sections of the population like children, elderly and people with pre- existing respiratory and heart disease, etc;

WHEREAS, amongst various events, emissions from bursting of fire crackers during Diwali and other festivals like Gurupurab, Christmas, New Year eve etc, not only release metal particles, dangerous toxins, harmful chemicals and noxious gases in the air but also increases particulate matter (PM2.5 and PM10) concentration in ambient air which contributes to rise in pollution levels across Haryana;

WHEREAS, the issue of bursting of fire crackers and raising of air pollution has been taken up by the Hon'ble Supreme Court as well as the Hon'ble National Green Tribunal repeatedly and some of the landmark cases, with observations, are as under:

1. Writ Petition (Civil) No. 728 of 2015, titled as Arjun Gopal & Ors. Vs. Union of India & Ors., wherein Hon'ble Apex Court observed that *"the health of the people in Delhi and in the NCR must take precedence over any commercial or other interests.....and,*

1/258307/2024

therefore, a graded regulation (of fire crackers) is necessary which would eventually result in prohibition.” and also observed that “keeping in mind the adverse effect of Air Pollution, the human right to breathe clear air and the human right to health, the Central Government and other authorities should consider encouraging display fireworks through community participation rather than individual bursting of fireworks. In addition Hon’ble Apex Court observed that Use of Reduced Emission firecrackers (Improved crackers) - (a) Avoidance of use of ash as desiccant or filler materials in crackers for reduction in particulate matters by 15-20%. These can be implemented subject to approval by PESO, and (b) usage of charcoal meeting specifications of explosives and pyrotechnics as prescribed by PESO. Use of Reduced Emission firecrackers (Green crackers: Safe water and air sprinklers (SWAS) - Low emission sound and light emitting functional crackers with PM reduction by 30-35% and significant reduction in NO_x and SO₂ due to in-situ water generation as dust suppressant and low cost due to usage of low cost oxidants. These can be implemented subject to approval by PESO.”

2. OA No. 249/2020, titled as Tribunal on its own Motion versus Ministry of Environment, Forest, Climate Change and others, whereby Hon’ble NGT imposed total ban on sale and use of all kind of fire crackers during COVID-19 pandemic in the NCR and all cities/town in the Country where the Ambient Air Quality under the Poor and above category, with further direction to restrict use of fire crackers in cities/towns, where air quality is moderate or below to green cracker only and for duration of not more than 2 hours and only for celebration of any specified festivals or permitted occasions.
3. Civil Appeal No. 2865-2867 of 2021 titled as Uttar Pradesh Udhog Vyapar Pratinidhi Mandal & Anr. Vs. Ministry of Environment Forest and Climate Change & Anr. Etc., wherein Hon’ble Apex Court upheld the directions of Hon’ble Tribunal in OA No. 249/2020.
4. IA NO. 48692 OF 2022 and IA NO. 104836 OF 2023 in Writ Petition (Civil) No. 728 of 2015 titled as Arjun Gopal & Ors. Vs. Union of India & Ors., wherein the Hon’ble Supreme Court on it’s order dated 22/09/2023, rejected an interlocutory application (IA)

I/258307/2024

filed by The Tamil Nadu Fireworks and Amorges Manufacturers Association (TANFAMA) to include reduced quantities of barium nitrate in firecrackers, reiterating the directions issued in 2019 and 2021.

WHEREAS, while rejecting the above mentioned IAs the Hon'ble Apex Court remarked that *"at this stage allowing the use of Barium Nitrate merely because it is indicated that the formulation as a whole would be 30 per cent less polluting would in fact be a retrograde step as compared to the effort that has been put in by various orders of this Court. Therefore, at this stage, we are of the opinion that the prayer is not liable to be granted. Further, the same would also apply to the request which was made on behalf of some of the manufacturers to manufacture joined crackers."*

WHEREAS, CAQM letter dated 22.08.24 has directed to ensure the strict compliance of the orders(s) of Hon'ble Supreme Court and Hon'ble NGT for control and regulation of sale and bursting of firecrackers.

WHEREAS, keeping in view of the above mentioned background and in public interest, it is necessary to prohibit the manufacture, sale and use of joined firecrackers (series crackers or laris) & all kinds of fire crackers, except for Green Crackers. Barium salts in fireworks are also to be banned, within the limits of District _____ as the same causes huge air/noise pollution and solid waste problems.

THEREFORE, in compliance of the instructions received from the Government on the suggestion of the Haryana State Pollution Control Board, I, _____, (IAS), District Magistrate, _____ by exercising the powers vested upon me by the virtue of Section 163 Bharatiya Nagrik Suraksha Sanhita, 2023, the Explosives Act, 1884 & the Explosive Rules and other enabling powers as District Magistrate, _____, do hereby prohibit the manufacture, sale, bursting and use of joined firecrackers (series crackers or laris) & all kinds of fire crackers, except for Green Crackers, besides ban of barium salts in the fireworks,

I/258307/2024

within the limits of District _____ as the same causes huge air/noise pollution and solid waste problems, for the period from 22.10.2024 to 31.01.2025 except for the window given below:-

The windows for bursting of Green Crackers shall be as follows-

1. 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.
2. On Christmas even and New Year 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.

Moreover, no e-commerce websites, including Flipkart, Amazon, etc., shall accept any online orders and effect online sales in the District

Orders of Hon'ble Supreme Court of India in IA No. 44727/2021, IA No. 48692/2022 & IA No. 104836/2023 in Writ Petition (Civil) No. 728/2015, Civil Appeal No. 2865-2867 of 2021 and NGT OA No. 249/2020 be strictly complied with.

Furthermore, the Regional Officer, Haryana State Pollution Control Board, _____ is hereby directed to monitor the air quality regularly and upload the data on the relevant websites as per the directions of the Hon'ble Apex Court and Central Pollution Control Board. All the Departments/Boards/Corporations/Individuals are directed to expand full cooperation for the same.

The Commissioner/Superintendent of Police, _____, Commissioner, Municipal Corporation, _____, all the Sub Divisional Magistrates, all Tehsildars/ Naib Tehsildars /BDPOs, DSPs, E.O./ Secretary, Municipal Committees, SHOs of all police Stations, Fire Officers, _____ and other fire office staff shall enforce this order in letter and spirit. All the above mentioned officers are hereby directed to conduct raids to enforce this order and submit reports

I/258307/2024

about the same, on a daily basis, to the office of the undersigned.

Non-compliance/violation of this order shall attract relevant penal action as per the relevant sections of the Bharatiya Nyaya Sanhita, Explosives Act 1884 and the Explosive Rules, 2008.

The District Information and Public Relation Officer, _____ is directed to make the public aware about ill and harmful effects of fireworks and caution people about the health hazards on bursting of firecrackers, through nukkud nataks, print and electronic media. The know how of identifying green crackers from conventional one shall also be publicized heavily. Further, he is directed to give wide publicity to this order throughout the District, _____ and this order should be sent to the press for wide publicity. DIO/ADIO is directed to upload the order on official website of district administration at [www_____](http://www._____).

In view of the emergent situation, this order is passed ex-parte and is addressed to the public at large.

Dated:

Place:

District Magistrate,