



HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR 6, PANCHKULA.

Ph. No. 0172-2577870-873

No. HSPCB/Estt./2019/EG-36/ 301-317

Dated: 16-01-2019

To

1. The Chairman,  
Haryana State Pollution Control Board,  
C-11, Sector-6, Panchkula.
2. The Director,  
Environment & Climate Change Department, Haryana,  
SCO No. 1-3, Sector 17-D, Chandigarh.
3. The Director General,  
Urban Local Bodies Department, Haryana,  
Bays No. 11-14, Sector-4, Panchkula.
4. The Principal Chief Conservator of Forests,  
Forest Department, Haryana,  
Van Bhawan, C-18, Sector-6, Panchkula.
5. The Transport Commissioner, Haryana,  
30-Bays Building, Chandigarh.
6. The Engineer-in-Chief,  
Public Health Engineering Department, Haryana,  
Bays No. 13-18, Sector-4, Panchkula.
7. The Director Technical,  
Haryana Powers Generation Corporation Limited (HPGCL),  
Urja Bhawan, C-7, Sector-6, Panchkula.
8. The Chief Engineer or any other technical officer  
equivalent of the rank of Chief Engineer of  
Haryana State Industrial Infrastructure  
Development Corporation (HSIIDC),  
Plot No. C-13-14, Sector-6, Panchkula.
9. Smt. Renu Bala Gupta, Mayor,  
Municipal Corporation, Karnal  
# 39-40, Chaudhary House Colony, Karnal.
10. Shri Sanjay Kumar, Chairman,  
Municipal Council,  
Charkhi Dadri,  
Ward No. 7, Railway Road, Charkhi Dadri.
11. Shri Gurdayal Sunheri, Chairman,  
Zila Parishad, Kurukshetra.  
VPO Sunheri Khalsa, District Kurukshetra.

Contd...Page 2.

12. Shri Kalyan Chauhan, Chairman,  
Zila Parishad, Gurugram, VPO Wazirpur,  
District Gurugram.
13. Shri Pushpinder Kumar, MC,  
Ward No. 8, Municipal Corporation,  
Ambala.  
# 706, Durga Nagar, Ambala City.
14. Shri Satish Singhal,  
Singhal Industrial Screws Pvt. Ltd.  
Near Oil Mill, Link Road,  
Faridabad Old.
15. Shri Dinesh Arora,  
Plot No. 55-56, Industrial Estate, Phase-I,  
Panchkula.
16. Professor Narsi R. Bishnoi,  
Department of Environmental Sciences & Engineering,  
Guru Jambheshwar University of Science and Technology,  
Hisar.
17. The Member Secretary,  
Haryana State Pollution Control Board,  
Panchkula.

**Subject: Minutes of the 183<sup>rd</sup> meeting of the Haryana State Pollution Control Board held on 11.01.2019.**

Kindly refer to this office letter No. HSPCB/Estt./2019/EG-36/97-113 dated 07.01.2019 on the subject cited above.

Please find enclosed the Minutes of the 183<sup>rd</sup> meeting of the Board held on 11.01.2019 for information and necessary action.

DA/As above.

*S. Jayaram*  
15/1/19  
MEMBER SECRETARY

Dated: 16-01-2019

Endst. No. HSPCB/Estt./2019/EG-36/ 318

A copy of the above is forwarded to the Additional Chief Secretary to Government of Haryana, Environment & Climate Change Department, Chandigarh for information with reference to this office letter Endst. No. HSPCB/Estt./2019/EG-36/114 dated 07.01.2019.

*S. Jayaram*  
15/1/19  
MEMBER SECRETARY



Minutes of 183<sup>rd</sup> meeting of the Haryana State Pollution Control Board, Panchkula, held at 11:30 A.M. on 11.01.2019 under the Chairmanship of Sh. Ashok Kheterpal, Chairman, Haryana State Pollution Control Board, Panchkula.

The 183<sup>rd</sup> meeting of the Haryana State Pollution Control Board was convened at 11:30 A.M. on 11.01.2019 in its Conference Room under the Chairmanship of Sh. Ashok Kheterpal, Chairman, HSPCB. The list of participants is at Annexure-I. Leave of absence was granted to the Members who could not attend the meeting. The Member Secretary of the Board welcomed all the participants and presented the agenda items before the Board. A detailed discussion was held on all the agenda items and the minutes of the meeting are presented as below.

**Agenda Item No. 183.1**

**Confirmation of the Minutes of 182<sup>nd</sup> meeting of the Haryana State Pollution Control Board.**

Minutes of 182<sup>nd</sup> meeting were confirmed.

**Agenda Item No. 183.2**

**Action taken on the minutes of the 182<sup>nd</sup> meeting of the Haryana State Pollution Control Board held on 15.10.2018.**

The Board members were apprised of the action taken on the decisions taken in the 182<sup>nd</sup> meeting and the same were noted.

**Agenda Item No. 183.3**

**Grant of bonus/Ex-gratia/Short-term Incentives/token gifts to the Employees of Public Sector Undertakings.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.4**

**Regarding promotion of Sh. Rajesh Kumar Garhia, Scientist-C to the post of Senior Scientist.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.5**

**Regarding re-naming of Sub Regions under Regional Offices of the Board.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.6**

**Withdrawal of "Haryana State Pollution Control Board Group Leave Encashment Scheme" from LIC.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.7**

**Implementation of Group Pension Scheme (LIC) for the Employees of the Board  
Adoption of Pension Life + ROC (Return of Capital).**

The proposal contained in Agenda Note was approved after deliberations of various members.

**Agenda Item No. 183.8**

**Amendment in the category of industrial sector categorized as 'Rubber goods industry (with gas operated baby boiler)' with 'Rubber goods industry (with approved fuel operated baby boiler)' in the categorization of industrial sectors/projects issued vide order endst. dated 26.02.2018 for consent management under Water Act, 1974 and Air Act, 1981.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.9**

**Installation of 06 Nos. Continuous Ambient Air Quality Monitoring Station (CAAQMS) (03 in Faridabad 02 in Gurugram and 01 in Charkhi Dadri).**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.10**

**Organization of Environment Education Camps for School Children, farmers, women groups by Haryana Forest Development Corporation (HFDC).**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.11**

**Amendment in Environment Department notification dated 11.05.2016 regarding minimum distance required from educational institute from stone crushers.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.12**

**Regarding approved fuel notification.**

The proposal contained in Agenda Note was approved. It was suggested to examine about 'cutting' fuel and identify it's technical composition and if required necessary amendment in the orders dated 12.12.2018 declaring approved fuel may be made.

**Agenda Item No. 183.13**

**Budget Estimate of HSPCB for the Financial year 2019-2020.**

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.14**  
Conduct of Gap Analysis study of existing 11 no. CBWTDFs with respect to coverage area of BMW generation and projection over a period of next ten years, through PGIMER, Chandigarh.

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.15 (S)**  
Upgradation of Modernization of the existing 02 nos. Laboratories of Haryana State Pollution Control Board.

The proposal contained in Agenda Note was approved. After deliberation, it was suggested by the members that the procurement of instruments should be done along with AMC of five years.

**Agenda Item No. 183.16 (S)**  
Regarding setting up of independent Air Monitoring Cell for implementation of Graded Response Action Plan for NCR District for abatement of air pollution.

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.17 (S)**  
Regarding making qualification Hindi/Sanskrit upto Matric standard or Higher Education.

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.18 (S)**  
Short-term monitoring of noise and ambient air quality of the selected cities of Haryana-Reg.

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.19 (S)**  
Amendment in Environment Department notification dated 11.05.2016 regarding consideration of time period for shifting of the stone crushers which are now not meeting the siting criteria norms due to expansion in MC Limit.

The proposal contained in Agenda Note was approved.

**Agenda Item No. 183.20 (S)**  
Apprenticeship Training in Haryana State Pollution Control Board.

The proposal contained in Agenda Note was approved subject to approval of the proposal from Government.

ANNEXURE-I

LIST OF PARTICIPANTS

1. Sh. Ashok Kheterpal,  
Chairman,  
Haryana State Pollution Control Board,  
C-11, Sector-6, Panchkula.
2. Sh. Manpal Singh,  
Engineer-in-Chief,  
Public Health Engineering Department, Haryana,  
Bays No. 13-18, Sector-4, Panchkula.
3. Sh. V.K. Sethi,  
Director Technical,  
Haryana Power Generation Corporation Limited (HPGCL),  
Urja Bhawan, C-7, Sector-6, Panchkula.
4. Smt. Renu Bala Gupta, Mayor,  
Municipal Corporation, Karnal  
# 39-40, Chaudhary House Colony, Karnal.
5. Shri Sanjay Kumar, Chairman,  
Municipal Council,  
Charkhi Dadri,  
Ward No. 7, Railway Road, Charkhi Dadri.
6. Shri Gurdayal Sunheri, Chairman,  
Zila Parishad, Kurukshetra.  
VPO Sunheri Khalsa, District Kurukshetra.
7. Shri Kalyan Chauhan, Chairman,  
Zila Parishad, Gurugram, VPO Wazirpur,  
District Gurugram.
8. Shri Pushpinder Kumar, MC,  
Ward No. 8, Municipal Corporation,  
Ambala.  
# 706, Durga Nagar, Ambala City.
9. Shri Satish Singhal,  
Singhal Industrial Screws Pvt. Ltd.  
Near Oil Mill, Link Road,  
Faridabad Old.
10. Shri Dinesh Arora,  
Plot No. 55-56, Industrial Estate, Phase-I,  
Panchkula.

11. Professor Narsi R. Bishnoi,  
Department of Environmental Sciences & Engineering,  
Guru Jambheshwar University of Science and Technology,  
Hisar.
12. Sh. S. Narayanan, IFS,  
Member Secretary,  
Haryana State Pollution Control Board,  
C-11, Sector-6, Panchkula.

Agenda Item no. 183.15 (S)

Upgradation and Modernization  
of the existing 04 nos.  
Laboratories of Haryana State  
Pollution Control Board

Haryana State Pollution Control Board is having the 04 Nos. Laboratories at locations Panchkula, Faridabad, Gurugram and Hisar. The many important instruments in these laboratories are either outdated or nor functional and needs replacement with the latest technology. The Board is also in the process of up gradations and modernizations of all these laboratories.

In order to up-grade and modernize the existing 04 laboratories of the Board with facilities for analysis of maximum parameters prescribed under Environment (Protection) Rules, 1986, sophisticated instruments of latest technology are required. The details of requisite instruments/equipments/items are as under:-

Sr. no.	Name of Instrument/Equipment/Item	Total requirement (nos.)	Estimated cost (in Rs.)
1.	GCMS (Gas Chromatograph Mass Spectrophotometer)	4	2,00,00,000/-
2.	Microwave Digester	4	40,00,000/-
3.	Ion Analyzer with Fluoride, Nitrate, sulphate Iodide Cyanide & Ammonia Electrode	4	40,00,000/-
4.	Flame Photometer	4	12,00,000/-
5.	Mercury Analyzer	4	200,00,000/-
6.	TOC Analyzer	4	80,00,000/-
7.	UV/ Visual Spectrophotometer	4	16,00,000/-
8.	Induced Couple Plasma (ICP) / Mass Spectrometer	4	4,00,00,000/-
9.	X-ray fluorescence (XRF) Spectrometer	4	120,00,000/-
10.	Analytical Balance	4	12,00,000/-
11.	BOD Incubator	4	4,00,000/-
12.	Hot Air Oven	4	2,00,000/-
13.	Water Bath	4	8,00,000/-
14.	Rotatory Evaporator	4	2,00,000/-
15.	Muffle Furnace	4	2,00,000/-
16.	Auto Clave	4	4,00,000/-
17.	DO meter	4	4,00,000/-
18.	Fluoride distillation assembly	4	1,60,000/-
19.	Cyanide distillation assembly	4	1,60,000/-

20	Soxlet extraction assembly	4	1,60,000/-
21	Arsenic estimation assembly	4	1,60,000/-
22	Phenol distillation assembly	4	1,60,000/-
23	Colony counter	4	1,20,000/-
24	Microscope	4	4,00,000/-
25	Aquarium for bioassay test	4	2,00,000/-
26	Shaking incubator	4	2,00,000/-
27	Turbidity Meter	4	1,60,000/-
28	Magnetic Stirrer with Hot plate	4	40,000/-
29	COD Digester	4	2,40,000/-
30	Water Purification (nano pure)System	4	4,00,000/-
31	Bio-safety cabinet	4	4,00,000/-
32	Filtration Assembly	4	2,00,000/-
33	Refrigerator	4	1,60,000/-
34	Deep Freezer	4	3,20,000/-
35	Bacteriological Incubator	4	1,60,000/-
36	Conductivity Meter	4	1,60,000/-
37	pH meter	4	1,60,000/-
38	Fume hood	4	10,00,000/-
39	Orsat Apparatus	4	8,00,000/-
	Total		12,05,20,000

The estimated cost of all the above mentioned instruments/equipments/items is approx. 12.052 crores.

The agenda for procurement of above instruments for upgradation and modernization of the existing 04 nos. laboratories of the Board, is placed for approval of the Board please.

**Regarding setting up of independent Air Monitoring Cell for implementation of Graded Response Action Plan for NCR District for abatement of air pollution.**

A review meeting dated 22.09.2017 under the Chairmanship of Chairman, Central Pollution Control Board (CPCB), was attended by Worthy Member Secretary of the Board and it has been advised to the Haryana State to set up a Monitoring Cell at Gurugram or Faridabad for monitoring and co-coordinating the activities in NCR Districts of Haryana EPCA, CPCB and MoEF & CC. Accordingly, vide orders dated 06.10.2017 the Monitoring Cell at Gurugram was established with the approval of Worthy Chief Secretary, Government of Haryana.

Further, as per recommendation of Regional Officer, Gurugram (North) and considering the importance of matter and requirement of consistent coordination with CPCB, EPCA and MoEF & CC and management and compiling of data regarding various GRAP activities, the proposal was submitted to hire the retired Senior Officer of the Board for 04 months w.e.f. 15.11.2018 to 14.03.2019. Accordingly, Sh. Dinesh Kumar, Ex. Senior Scientist of the Board has been engaged vide order endst. no. HSPCB/Estt./2018/6544-6549 dated 29.11.2018 (**Annexure-1**) on contract basis as a Head of Air Monitoring Cell with a fixed remuneration of Rs. 50,000/- per month.

The Agenda Note is placed before the Board of Directors for ex-post-facto approval please.





16/2/137

**HARYANA STATE POLLUTION CONTROL BOARD**  
**C-11, SECTOR 6, PANCHKULA.**  
**Ph. No. 0172-2577870-873**

Annexure - 1

OFFICE ORDER

Sh. Dinesh Kumar, Senior Scientist (Retd.) is hereby engaged on contract basis as a head of Air Monitoring Cell already established vide order Endst. no. HSPCB/Sc'C/2017/2310-29 dated 06.10.2017 in Gurugram for coordinating the activities relating to prevention of air pollution at NCR Districts of Haryana with EPCA, CPCB and MoEF.

The term and conditions for his engagement will be as under :-

1. He will hold the office for a term of four months. The period shall be counted from the date of his joining.
2. He will be entitled for consolidated remuneration of Rs. 50,000/- per month.
3. One office room will be provided in the premises of Regional office, Gurugram (North).
4. One computer operator and one computer system with internet facility will be provided.
5. Separate window on Web portal of HSPCB for complaints will be created.
6. Toll free number for receiving complaints will be provided.
7. Travelling allowance will be admissible to him as per Govt. instructions.

Further Air Monitoring Cell will have the following functions:-

- Collection of air quality data from different monitoring stations of NCR districts of Haryana.
- Co-ordination with Central Pollution Control Board, MoEF & CC, EPCA.
- Co-ordination with all NCR districts of Haryana.
- Preparation of daily reports of air quality of NCR districts of Haryana.
- To monitor complaints received by HSPCB & further transmit them to concern department for action.
- To prepare action taken report on complaints.
- To monitor CAAQMS stations & NAMP stations.
- Co-ordination with monitoring teams of Central Pollution Control Board.

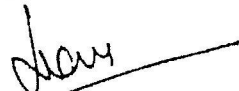
Dated Panchkula, the  
28<sup>th</sup> November, 2018.

Ashok Kheterpal  
Chairman

Endst. No. HSPCB/Estt./2018/ 6544-6549 Dated: 29/11/18

A copy of the above is forwarded to the following for information and necessary action:-

1. Senior Accounts Officer, HSPCB, Panchkula.
2. Environmental Engineer, IT Cell in H.O. He is asked to create separate window on Web portal of HSPCB for complaints.
3. Regional Officer, Gurugram (North) w.r.t. his letter no. 2257 dated 22.10.2018. He is asked to provide the toll free number, one computer operator with one computer system with internet facility and one office room for the Air Monitoring Cell.
4. Sh. Dinesh Kumar, Sr. Scientist (Retd.). He will submit progress report to the CPCB / Govt. as well as to the Chairman, HSPCB every month.
5. P.S. to Chairman/P.A. to Member Secretary.

  
Superintendent (Estt.)  
for Chairman

Regarding making qualification Hindi/Sanskrit upto Matric standard or Higher Education.

The State Government vide instructions No. 62/30/2006-6GSI dated 14.05.2007 (Annexure-I) has decided that for recruitment/appointment to a job, Hindi upto matric standard has been made as one of the essential qualifications, in its place, Hindi or Sanskrit upto matric standard should be made as one of the essential qualifications, therefore, necessary amendment in this regard in the Service Rules of the Department should also be carried out, without delay.

Further, the State Government vide instructions No. 62/30/2006-6GSI dated 24.08.2009 (Annexure-II) has clarified that in case a candidate has not done Matriculation with Hindi as one of the subjects, but has done +2/B.A./MA. With Hindi as one of the subjects, then it may amount to fulfilling the required qualification in this regard for recruitment/appointment. Therefore, it has been requested that necessary amendment in the Service Rules of the Department should also be carried out accordingly without delay.

In this regard it is submitted that Service Regulations of the Employees of the Haryana State Pollution Control Board under sub section (3) and (3-A) of Section 12 of the Water (Prevention and Control of Pollution) Act, 1974 (Act No. 6 of 1974) vide Notification No. S.O. 154/C.A. 6/1974/S. 12/2004 dated 05<sup>th</sup> October, 2004 have been notified.

Note (i) below Appendix 'B' of Service Regulations, 2004 of the Employees of the Board provides that:-

**"Matriculation with Hindi is essential for all the above mentioned posts except for the posts mentioned at serial no. 31 to 35."**

Vide Para 3 of the Notification issued by the Haryana Government, Environment Department No. S.O. 8/C.A.6/1974/S.12/2016 dated 30.03.2016 (Annexure-III), amendment regarding educational qualification i.e. Hindi/Sanskrit upto matric standard or higher education has already been made for Sr. No. 23 i.e. for the post of Driver.

As per Government Instructions dated 14.05.2007 and 24.08.2009, following amendment in Note (i) below Sr. No. 35 of Appendix 'B' of the Haryana State Pollution Control Board (Group A, B, C and D) Service Regulations, 2004 i.e. **"Matriculation with**

Hindi is essential for all the above mentioned posts except for the posts mentioned at serial no. 23 and 31 to 35" is required to be substituted as under:-

**"Hindi/Sanskrit upto matric standard or higher education is essential for all the above mentioned posts except for the posts mentioned at serial no. 23 and 31 to 35."**

Therefore, the matter is placed before the Board for approval of above amendments and after approval from the Board the case may be sent to State Government for final approval as required under Section 12 (3) and (3-A) of the Water (Prevention & Control of Pollution) Act, 1974.

Submitted for consideration and approval of the Board please.

The Chief Secretary to Government Haryana.

1. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. All Deputy Commissioners in Haryana.
4. Special Representative, Haryana Bhawan Copernicus Marg, New Delhi.

Dated Chandigarh, the 14/5/07

Subject: - Regarding making qualification Sanskrit or Hindi upto Matric in place of Hindi only.

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Sir/ Madam,

I am directed to refer on the subject noted above and to say that it has been noticed by the Government that in CBSE, Hindi subject is an optional subject in Matric and the students of Haryana prefer to opt for Sanskrit subject as it is more scoring than Hindi. On the other side, in Haryana State, Hindi has been made compulsory upto Matric for almost each job with the result that the students, who had taken Sanskrit in Matric in lieu of Hindi, become ineligible for getting job in Haryana.

2. The matter has been considered by the Government and it is observed that no doubt Hindi has evolved as a distinct language from Sanskrit over centuries yet the fact remains that Sanskrit is a root language for Hindi, and further more, a student having passed Class X with Sanskrit would definitely possess a functional knowledge of Hindi, since it is also the prevalent language in use in Haryana, and which is the requirement for a Haryana Government job.

3. In these circumstances it has been decided by the Government that wherever, for recruitment/appointment to a job, Hindi upto matric standard has been made as one of the essential qualifications, in its place, Hindi or Sanskrit upto matric standard should be made as one of the essential qualifications. Accordingly it is requested that necessary amendment in this regard in the Service Rules of the Department should also be carried out, without delay.

It has also been decided by the Government that if some vacancies have been advertised by the recruiting Agencies with one of the qualifications as Hindi upto Matric standard, a corrigendum be issued by amending as 'Sanskrit or Hindi upto matric standard' and the last date for submission of applications be also extended suitably by the said Agencies.

These instructions should be brought to the knowledge of all concerned for being followed meticulously.

Yours faithfully,

*Misra*

(SUMITA MISRA)

11.5.07

Special Secretary General Administration,  
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners & Principal Secretaries / Commissioners & Secretaries to Government Haryana for information and compliance.

*Misra*

11.5.07

Special Secretary General Administration,  
for Chief Secretary to Government Haryana.

To

All the Financial Commissioners & Principal Secretaries/  
Commissioners & Secretaries to Government Haryana.

U.O. No. 62/30/2006-6GSI  
No. 62/30/2006-6GSI

Dated Chandigarh, the 14-5-07  
Dated Chandigarh, the 14-5-07

A copy is forwarded to the following for information and necessary action:-

1. The Registrar, Maharishi Dayanand University, Rohtak,  
Kurukshetra University, Kurukshetra, Haryana Agriculture  
University, Hisar, Guru Jambheshwar University, Hisar, Ch. Devi  
Lal University, Sirsa and Bhagat Phool Singh Mahila vidhyalya  
vidyalaya Khanpur, Sonapat.
2. All the Managing Directors of Board/ Corporation,

*Misra*

Special Secretary General Administration,  
for Chief Secretary to Government Haryana.

Chandigarh, dated the 24<sup>th</sup> August, 2009

To

1. All the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government of Haryana.
2. All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.
4. All the Deputy Commissioners in Haryana.
5. All the Managing Director of Boards/Corporations/ Public Undertaking.

Subject: - Regarding making qualification Sanskrit or Hindi upto Matric in place of Hindi only- Regarding consideration of candidate of same subject having qualification in Higher Degree.

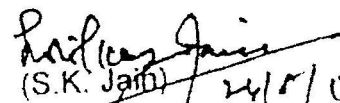
Sir/Madam,

I am directed to invite your attention to Haryana Government circular letter No 62/30/2008-6GSI, dated 14.05.2007 on the subject noted above vide which it was decided by the Government that wherever, for recruitment/ appointment to a job, Hindi upto matric standard has been made as one of the essential qualifications, in its place, Hindi or Sanskrit upto matric standard should be made as one of the essential qualifications.

2 On further consideration of the matter, by the Government it has now been clarified that in case a candidate has not done Matriculation with Hindi as one of the subjects, but has done +2/B.A./ M.A. with Hindi as one of the subjects, then it may amount to fulfilling the required qualification in this regard for recruitment/appointment. Therefore, it is requested that necessary amendment in the Service Rules of the Department should also be carried out accordingly without delay.

These instructions should be brought to the knowledge of all concerned for being followed meticulously.

Yours faithfully,

  
(S.K. Jain) 24/8/09

Under Secretary General Administration.  
for Chief Secretary to Government of Haryana



**HARYANA GOVERNMENT**  
**ENVIRONMENT DEPARTMENT**

[Authorised English Translation]

**Notification**

The 30th March, 2016

No.S.O.8/C.A.6/1974/S.12/2016.— In exercise of the powers conferred by sub-section (3) and (3A) of section 12 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974), the Haryana State Pollution Control Board with the approval of the State Government hereby makes the following regulations further to amend the Haryana State Pollution Control Board (Group A,B,C and D) Service Regulations, 2004, namely:-

1. These regulations may be called the Haryana State Pollution Control Board (Group A, B, C & D) Service (Amendment) Regulations, 2016.
2. In the Haryana State Pollution Control Board (Group A,B,C and D) Service Regulations, 2004, (hereinafter called the said regulations), in regulation 5, for the figures and words "40 years" the words "forty two years" shall be substituted.
3. In the said regulations, in Appendix B, under column 1,2,3 and 4, for serial number 23 and entries thereagainst, the following serial number and entries thereagainst shall be substituted, namely:-

1	2	3	4
"23"	Driver	(i) Matric; (ii) should have a light/heavy transport vehicle valid driving licence, at least three years old; (iii) should have passed the driving test conducted by the Haryana Staff Selection Commission; (iv) should not be colour blind; (v) Hindi/Sanskrit upto matric standard or higher education;	<b>By transfer/deputation—</b> (i) Matric; (ii) should have a light/ heavy transport vehicle valid driving licence, at least three years old; (iii) Three years experience of driving light/ heavy transport vehicle; (iv) should not be a colour blind; (v) Hindi/Sanskrit upto matric standard or higher education; (vi) if not already working on the post of driver then should not be more than fifty years of age."

**ANURAG RASTOGI,**  
Chairman, Haryana State Pollution Control Board,  
Panchkula.

**ANURAG RASTOGI,**  
Principal Secretary to Government, Haryana,  
Environment Department.

**Agenda Item no:-183.18(s) Short-term monitoring of noise and ambient air quality of the selected cities of Haryana -Reg.**

Hon'ble Supreme Court vide its order dated 23.10.2018 in CWP No. 728 of 2015 has ordered the SPCBs to carried 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 mentioned in the order. The copy of above said order enclosed as **Annexure-A**.

The quotations were invited from all the laboratories recognized by the Board for giving their rates for carrying out above said monitoring. A committee of Sr. Environmental Engineer-II, Sr. Scientist and Environmental Engineer (HQ) was constituted for finalizing the rates received from recognised labs.

The committee after detailed discussion and deliberations recommended that i.e M/s Arhihand Analytical Lab, Sonipat be allotted the work of monitoring for Sonipat city (02 locations) only @ Rs. 1,13,200 per location being the lowest rate and shown their consent to do the monitoring at Sonipat city only. M/s Fare Lab, Pvt. Ltd, Gurugram be allotted the work of remaining 08 cities i.e. Panchkula, Ambala, Karnal, Panipat, Gurugram, Faridabad, Hisar and Rohtak (at 02 locations each) @ Rs. 1,16,000 per location being the second lowest and agreed to monitor all the 08 cities.

The above said work of monitoring during Diwali was allotted to above said 02 Labs on the rates mentioned above. The copy of work order to above said labs are enclosed as **Annexure-B**.

The matter is placed before the Board for ex-post facto approval please.



18/2/145

Annexure-A

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NOS. 6 AND 8 OF 2016

IA NOS. 10, 11, 80176, 96202, 109668, 109720 AND 122778 OF 2017

IA NOS. 68888 AND 68897 OF 2018

IN

WRIT PETITION (CIVIL) NO. 728 OF 2015

ARJUN GOPAL AND OTHERS

.....APPELLANT(S)

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENT(S)

WITH

WRIT PETITION (CIVIL) NO. 891 OF 2016

WRIT PETITION (CIVIL) NO. 895 OF 2016

WRIT PETITION (CIVIL) NO. 899 OF 2016

AND

WRIT PETITION (CIVIL) NO. 213 OF 2017

## J U D G M E N T

A.K. SIKRI, J.

Writ Petition (Civil) No. 728 of 2015 was filed on September 24, 2015 on behalf of three infants, who are made petitioners in this writ petition. Petitioner No.1 and 2, on the date of filing of this

Signature Not Verified

Digital Signatory  
SHISHIL KUMAR  
RAKHEDA  
Date: 2016.02.23  
12:24:11 IST  
Reason:

writ petition, were six months old and petitioner No.3 was fourteen months old. This petition has been filed through their next friends, i.e. their fathers, who are concerned about the health of their children as they feel that due to the alarming degradation of the air quality, leading to severe air pollution in the city of Delhi (where these petitioners reside), the petitioners may encounter various health hazards. Poor, very poor or severe air quality/air pollution affects all citizens, irrespective of their age. However, claim the petitioners, children are much more vulnerable to air pollutants as exposure thereto may affect them in various ways, including aggravation of asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. The petition accepts that there are number of reasons which have contributed to poor air quality in Delhi and National Capital Region (for short, 'NCR'). At the same time, it is emphasised that air pollution hits its nadir during *Diwali* time because of indiscriminate use of firecrackers, the chemical composition whereof increases harmful particulate matters such as  $PM_{2.5}$  or  $PM_{10}$  at alarming level thereby bringing the situation of 'emergency'. The petitioners have, thus, prayed for direction to the official respondents to take possible measures for checking the pollution by striking at the causes of the pollution, which

includes seasonal crop burning, indiscriminate dumping of dust/*malba* and other pollutants, etc. The prayer also includes banning the use, in any form, of firecrackers, sparkles and minor explosives, in any form, during festivals or otherwise.

2) This petition came up for preliminary hearing on October 08, 2015 when notice was issued and the matter was directed to be listed on October 16, 2015 at 2:00 p.m. since the petitioners wanted stay on burning of crackers during Diwali, which was around the corner in that year. When the matter was taken up on October 16, 2015, certain suggestions were made by the learned counsel appearing for the petitioners, which were as under:

- “1. Restrict licenses to low hazard fireworks.
2. Period of grant of license is too early – need not be from 2 days prior to Dussehra.
3. Restrict window for use of fireworks to be from 7:00 p.m. to 9:00 p.m.
4. RWAs to hold community fireworks for a brief period of 30 minutes on a single day.
5. Government be directed to give wide publicity to the ill effects of fireworks and encourage restraint on responsible use.
6. Encourage teachers to tell students not to buy and use fireworks.”

3) Suggestion Nos. 5 and 6 were accepted and the relevant portion of the order that was passed reads as under:

18/5/148

"In our view for the present, if we accept suggestion Nos. 5 and 6 it will not in any way affect the interest of the respondents.

Shri Ranjit Kumar, learned Solicitor General appearing for the Union of India states that the Union Government has already taken enough and effective steps to give wide publicity to the ill effects of fireworks.

In spite of the submission so made by the learned Solicitor General, we intend to pass the following order:

"The Union Government and all the State Governments will give wide publicity both in print and Electronic media to the ill effects of fireworks and advise people accordingly.

We also direct the Teachers/Lecturers/Assistant Professors/ Professors of the Schools and Colleges to educate the students about the ill effects of the fireworks."

- 4) Thereafter, this petition was taken up along with certain other connected petitions, including Writ Petition (Civil) No. 13029 of 1985 titled '*M.C. Mehta v. Union of India*' and orders dated December 16, 2015 were passed issuing several directions with a view to reducing the levels of air pollution within the NCR, as the issues in those writ petitions pertained to air pollution in Delhi and NCR as well. It may be mentioned that the directions issued therein were general in nature though concerning the problem of air pollution. Thereafter also the instant writ petition, along with the *M.C. Mehta* case and other cases, came up for hearing and it is not necessary to take note of all those orders.

- 5) Pertinently, during *Diwali* of 2016, which was celebrated on October 30, 2016, the air quality in Delhi and NCR worsened alarmingly. In fact, certain reports indicated that the air quality standards in early November of that year were the worst in the world. This prompted the Court to take up IA No.4 filed in this writ petition. After hearing the parties, it passed orders dated November 11, 2016.
- 6) The petitioners had pressed for interim relief in respect of fireworks, drawing the attention of this Court to the emergent situation that has resulted in worsening the air quality standards in Delhi and National Capital Region (NCR) because of extensive use of fireworks, including firecrackers during *Diwali* last year. It was pointed out that onset of winter itself deteriorates air quality in this region and it gets aggravated because of festival/marriage season that occurs during these very months. Taking note of the aforesaid factors, particularly impact of fireworks on the ambient air and unhealthy effects thereof which had created unprecedented situation in Delhi, with air pollution going up at alarming levels and making it the most polluted city in the world, the order dated November 11, 2016 was passed. Air pollution had gone up to 29 times above the World Health Organisation

(WHO) standards. In the aforesaid scenario, this Court deemed it proper to pass certain directions vide its order dated November 11, 2016 in IA No.4. Snapping the supply chain of fireworks was considered to be the more practical way of addressing the menace instead of banning the burning the crackers by individuals as it would have been difficult to monitor and enforce the burning of the crackers by the citizenry.

- 7) In paragraph 18 of the Order dated November 11, 2016 it was clarified that much was left to be heard, discussed and said about the rival claims and contentions. However, the Court hastened to add that harmful effects of fireworks on the ambient air and the lungs, eyes and ears of people was also an acknowledged fact, as can be seen from the following portion of the said paragraph:

"18. We are aware that we are only issuing interim directions, and much is left to be heard, discussed and said about the rival claims and contentions. What is however indisputable is that the harmful effects of fireworks on the ambient air and the lungs, eyes and ears of people. What is also obvious is the extreme nuisance, noise the fireworks cause to citizens particularly the ailing and the aged. Therefore, though much can be argued as always about the significance and even joy of bursting fireworks, but at the same time (*sic*), *prima facie*, a just constitutional balance must overwhelmingly prioritize the harmful effects of this hazardous air on present and future generations, irreversible and imperceptible as they are, over the immediate commercial constraints of the manufacturers and suppliers of fireworks..."

- 8) In the process, this Court also recognised the duty of the State to ensure a healthy environment in terms of Article 48A of the Constitution of India as well as the duty of the citizens to ensure the same under Article 51A(g) of the Constitution. The Court also reminded itself of the “precautionary principle” which mandates that where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the order the Court had taken note of the deleterious effects of air pollution on the health of the people, particularly the children. Going by all these considerations, the Court passed the following directions:

“19. We thus consider it inappropriate that explosives which are used as fireworks should be available in the market in the NCR till further orders. The mechanism of the law in this regard is clear. Rule 118 of the Explosive Rules, 2008, framed under the Explosives Act, 1884, provides for the manner in which licenses issued under the Explosives Act to store and sell explosives could be suspended or cancelled. Sub-Rule (5) thereof specifically confers on the Central Government a power to suspend or cancel a license if it considers that it is in public interest. This provision also makes it clear that an opportunity to hear the licensee could be dispensed with if the Central Government considers that in public interest. This Court finds that the grave air quality situation in NCR is one such case, where this Court, can intervene and suspend the licenses to store and sell fireworks in the NCR. We direct the Central Government to:

- (i) Suspend all such licenses as permit sale of fireworks, wholesale and retail within the territory of NCR.

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- (ii) The suspension shall remain in force till further orders of this Court.
- (iii) No such licenses shall be granted or renewed till further orders.

20. In addition to the above, we direct the CPCB to study and prepare a report on the harmful effects of the materials which are currently being used in the manufacture of fireworks. The report shall be submitted within a period of three months to this Court."

- 9) Since direction was given to the Central Pollution Control Board (CPCB) to study and prepare a report of the harmful effects of the materials which are currently being used in the manufacture of fireworks and submit a report within three months, the matter was taken up for consideration thereafter from time to time.
- 10) Thereafter, the manufacturers of firecrackers as well as license holders also filed applications for modification of the aforesaid interim order. It included IA No. 52448 of 2017. Because of these applications, the matter was heard by a Bench of this Court and orders dated September 12, 2017 were passed in the aforesaid IA. In this order also, the Court recognised severity of air pollution in Delhi and NCR. The Court also discussed the manner in which air quality had worsened due to fireworks during *Diwali* days in the year 2016. The Court took note of the steps that were taken by different authorities aiming to reduce air



pollution after the passing of orders dated November 11, 2016; the legal provisions contained in the Explosives Act, 1884 and the Explosive Rules, 2008 framed thereunder; and further steps which were needed in this behalf to reduce the pollution in Delhi and NCR. The Court took note of the fact that number of measures were required to be taken for improving air quality as various factors were contributing to the air pollution. It also specifically mentioned that one of the reasons was burning of crackers/fireworks during *Diwali*. On that basis, the Court also accepted that one of the possible methods for reducing it during *Diwali* is by continuing the suspension of licenses for the sale of fireworks, thereby implicitly prohibiting the bursting of fireworks. However, at the same time, the Court expressed the opinion that continuing the suspension of licenses might be too radical a step to take for the present. It was deemed appropriate to adopt a graded and balanced approach, which is necessary, that will reduce and gradually eliminate air pollution in Delhi and in the NCR caused by the bursting of fireworks. In the process, the Court took into consideration the interest of those who had already been granted a valid permanent licence to possess and sell fireworks in Delhi and the NCR. We would like to reproduce the following paragraphs from the said order:

“67. The right to health coupled with the right to breathe clean air leaves no manner of doubt that it is important that air pollution deserves to be eliminated and one of the possible methods of reducing it during Diwali is by continuing the suspension of licences for the sale of fireworks and therefore implicitly, prohibiting the bursting of fireworks.

68. In our considered opinion, continuing the suspension of licences might be too radical a step to take for the present – a graded and balanced approach is necessary that will reduce and gradually eliminate air pollution in Delhi and in the NCR caused by the bursting of fireworks. At the same time it is necessary to ensure that injustice is not caused to those who have already been granted a valid permanent licence to possess and sell fireworks in Delhi and the NCR. The graded and balanced approach is not intended to dilute our primary concern which is and remains the health of everybody and the human right to breathe good quality air or at least not be compelled to breathe poor quality air. Generally speaking this must take precedence over the commercial or other interest of the applicant and those granted a permanent licence to possess and sell fireworks.

69. But, from the material before us, it cannot be said with any great degree of certainty that the extremely poor quality of air in Delhi in November and December 2016 was the result only of bursting fireworks around Diwali. Certainly, there were other causes as well, but even so the contribution of the bursting of fireworks cannot be glossed over. Unfortunately, neither is it possible to give an accurate or relative assessment of the contribution of the other identified factors nor the contribution of bursting fireworks to the poor air quality in Delhi and in the NCR. Consequently, a complete ban on the sale of fireworks would be an extreme step that might not be fully warranted by the facts available to us. There is, therefore, some justification for modifying the interim order passed on 11<sup>th</sup> November, 2016 and lifting the suspension of the permanent licences.

70. At the same time, it cannot be forgotten that admittedly there is a huge quantity of fireworks in Delhi and in the NCR and the figure has been provided to us by the applicant. Similarly, there can be no doubt that the Delhi Police had issued a large number of temporary licences in

2016 and it would not be unreasonable to assume that around and during Diwali, there would have been some illegal temporary shops set up, whether known or not known to the police. We do not have the figures with regard to the NCR, but we assume that like in Delhi, a large number of temporary licences have been issued for the possession and sale of fireworks. Therefore, there is a need to regulate the availability and sale of fireworks in Delhi and the NCR.”

11) It was followed by the following directions:

“71. As mentioned above, the health of the people in Delhi and in the 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:

(1) The directions issued by this Court in **Sadar Bazar Fire Works (Pucca Shop) Association** 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 concerned authorities. Safety from fire hazards is one of our concerns in this regard.

(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 the NCR, including Delhi and this prohibition is absolute.

(3) The directions issued and restrictions imposed in the order passed by this Court on 18th July, 2005 in **Noise Pollution (V)** shall continue to be in force.

(4) The concerned police authorities and the District Magistrates will ensure that fireworks are not burst in silence zones that is, an area at least 100 meters 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 concerned authorities.

(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 the 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.

(6) The Union of India will ensure strict compliance with the Notification GSR No. 64(E) dated 27th January, 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.

(7) The Department of Education of the Government of NCT of Delhi and the corresponding Department in other States in the 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 sensitize 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.

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

(9) The interim direction issued by this Court on 31st July, 2017 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.

(10) Fireworks containing aluminum, sulphur, potassium and barium may be sold in Delhi and in the NCR, provided the composition already approved by PESO is maintained.

It is the responsibility of PESO to ensure compliance of the standards it has formulated.

(11) Since there are enough fireworks available for sale in Delhi and the NCR, the transport of fireworks into Delhi and the NCR from outside the region is prohibited and the concerned law enforcement authorities will ensure that there is no further entry of fireworks into Delhi and the 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 the NCR and, if that is not possible, take measures to transport the stocks outside Delhi and the NCR.

(12) The suspension of permanent licences as directed by the order dated 11th November, 2016 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.

(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.

(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 FRDC 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 of 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 15th September, 2017 but keeping in mind its track record subsequent to the order dated 11th November, 2016 this does not seem possible. Therefore, we grant time to the CPCB to come out with definite standards on or before 30th September, 2017.

(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 31st December, 2017.

(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 fireworks through community participation rather than individual bursting of fireworks."

- 12) After the aforesaid order was passed, many applications were filed, from both sides, seeking modification of some of the aforesaid directions. Insofar as the petitioners are concerned, in their application for modification, they prayed for removal of Directions Nos. 5 and 10 to 13, which was in essence a prayer for restoration of earlier order dated November 11, 2016. Insofar as fireworks manufacturers, traders and license holders of the

fireworks/firecrackers are concerned, they wanted that relaxation given in the order dated September 12, 2017 be further liberalised.

- 13) After hearing both the parties, orders dated October 09, 2017 were passed. The Court accepted the fact that burning of firecrackers during *Diwali* was not the only reason for air pollution in Delhi and NCR and there was a need to tackle those factors as well. However, it was observed that the immediate impact of use of fireworks and firecrackers bursting during *Diwali* is an altogether different aspect. The Court noted that there is direct evidence of deterioration of air quality at alarming levels, which happens every year. Burning of these firecrackers during *Diwali* in 2016 had shot up PM levels by three times, making Delhi the worst city in the world insofar as air pollution is concerned. Direct and immediate cause thereof was burning of crackers during *Diwali*. The Court also remarked that every year before *Diwali* there are attempts on the part of the Government (Ministry of Environment, Government of India as well as Delhi Government), Media, NGOs and various other groups to create awareness in the general public about the ill-effects of bursting of these crackers. Campaigns are held in the schools wherein children are discouraged to have fireworks. Thus, there is virtually a



consensus in the society that crackers should not be burnt during *Diwali*, which can be celebrated with equal fervour by various other means as well. Irony is that when causes are brought in the Court, there is a resistance from certain quarters. Moreover, there are adequate statutory provisions, aid whereof can be taken to ban the sale of these crackers.

- 14) The Court also took into consideration three substantial submissions which were made by the petitioners, viz.: (a) CPCB had taken a stand, nearly twenty years ago, that Sulphur in fireworks should not be permitted as Sulphur on combustion produces Sulphur Dioxide and the same is extremely harmful to health. The CPCB has stated that between 9:00 p.m. to midnight on *Diwali* day the levels of Sulphur Dioxide content in the air are dangerously high. Moreover, all the above authorities were also unanimous in their view that crackers should only be burst in designated places. Also the CPCB had specifically stated that joined crackers should be banned. Secondly, in the order dated November 11, 2016, licenses were suspended primarily for the reason that rising in the PM levels at alarming proportion was because of burning of crackers during *Diwali*, which had adverse harmful affect and, therefore, there was no reason to relax this



condition. Another significant argument which was taken note of was that the order dated November 11, 2016 was passed immediately after the *Diwali* in the year 2016 and the effect of that order had not been tested. Going by these considerations, the Court decided to suspend the order dated September 12, 2017 at least during the *Diwali* of 2017 with the following directions:

"14...To put it clearly, though we are not tweaking with the various directions contained in the Orders dated September 12, 2017, the effect of that Order would not be given during this *Diwali* and, therefore, we are making it effective only from November 01, 2017. We are conscious of the fact that after the said order was passed, the police may have issued temporary licences. Accordingly, those are suspended forthwith so that there is no further sale of the crackers in Delhi and NCR. Further orders in this behalf can be passed on assessing the situation that would emerge after this *Diwali* season..."

- 15) As expected, spate of applications have been filed, most of which emanate from the aforesaid orders dated October 09, 2017. Many parties have intervened. Most of the interventionists are supporting the petitioners and want permanent ban on the burning of crackers during *Diwali*. Some have even prayed that this ban be extended to the whole country and should not be limited to only Delhi and NCR. IAs were also filed seeking ban on crop burning. The opposite group consists of manufacturers of crackers, manufacturers' association and license holders. The State of Tamil Nadu has come forward to support this category.

Additionally, one interventionist, namely Indic Collective (applicant in IA No. 105355 of 2017), is also opposing the ban contending that burning of crackers during *Diwali* is a religious activity which is in vogue for time immemorial and, therefore, it should not be banned.

16) It is not necessary to take note of the arguments of each of the counsel appearing on either side. For the sake of convenience, arguments of the petitioners as well as those who have supported the petitioners' cause and the arguments of the other group which is opposing the prayers made by the petitioners, are collated and we state below these arguments and counter arguments in consolidated manner:

17) *Petitioners' Arguments:*

(a) As far as the petitioners are concerned, they have proceeded on the premise that undeniable fact is that as a result of burning of crackers during *Diwali*  $PM_{2.5}$  reach an alarmingly high level which certainly is injurious to health. It is argued that the adverse affect thereof on the health of citizens, particularly children, is irreversible. It causes asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment.

(b) The official respondents had failed to address the issues and carry out desired studies in spite of the directions of this Court. Various committees set up are examining the question as to what kind of metal should be used in the manufacture of crackers. So far no study has been conducted on the ill-effect caused by  $PM_{2.5}$ .

(c) Studies by CPCB had categorically found that burning of crackers during *Diwali* was contributing to air as well as noise pollution in an alarming manner. Copies of these studies showing continuous ambient air quality during *Diwali* annexed with IA No. 109720 of 2017 is referred to. Contents of the affidavit of CPCB dated January 05, 2018 has also been relied upon.

The petitioners also rely upon the report filed by the Union of India, through the Ministry of Environment, Forest and Climate Change, wherein ill-effects of fireworks are accepted and measures suggested to tackle the same.

Opinions of prominent doctors mentioning spike in the respiratory problems among children and patients are also pointed out.

(d) Dealing with the argument of the manufacturers and traders of firecrackers based on Article 19(1)(g) of the Constitution of India, namely, fundamental right to carry on business, the

submission of the petitioners is that going by the ill-effects of the firecrackers, no such right can be claimed as principle of *res extra commercium* would apply. In support, additional affidavit filed on July 26, 2017 as well as in July 2018 are referred to wherein the petitioners have sought to highlight the following aspects:

- (i) These manufacturers were employing child labour. At one point of time, almost one lakh children were employed in this industry. Though it was admitted that this position does not exist any longer in view of strict measures taken by the Government.
- (ii) The manufacturing of firecrackers generates a lot of waste which adds to pollution as sufficient measures are not undertaken to deal with this waste.
- (iii) Number of deaths as well as injuries to persons are caused every year due to poor storage which results in occasional accidents. Likewise, the burning of these crackers also results in injuries.
- (iv) Firework also leads to lot of noise and air pollution as well. Judgments of this Court in ***Vellore Citizens' Welfare Forum v. Union of India and Others***, (1996) 5 SCC 647; and ***A.P. Pollution Control Board v. Prof. M.V. Nayudu***.

*(Retd.) and Others*, (1999) 2 SCC 718, have been relied upon.

In the alternative, it was argued that even if it is accepted that argument of Article 19(1)(g) of the Constitution is available to the manufacturers and traders, such a ban on burning crackers during *Diwali* would amount to reasonable restriction having regard to the fact that right to health was also a fundamental right guaranteed under Article 21 of the Constitution. It was also submitted that the cost in the form of medical expenses which are incurred for treatment of those who suffered as a result of burning of crackers is equally high or even may be higher.

(e) One of the arguments of the opposite side was that there were no sufficient studies as to what extent the burning of crackers is contributing towards air and noise pollution and whether it was such a serious problem which warrants ban. To this, reply of the petitioners was that in the field of environmental laws, precautionary principle was also applicable which does not need exact studies or material.

(f) Insofar as argument of burning of crackers during *Diwali*, as a part of right of religious practice is concerned, the refutation of the petitioners is that such an argument has already been

rejected by this Court in *Vellore Citizens' Welfare Forum* case. It was further submitted that burning of crackers during *Diwali* is not a core and essential religious practice and even if it is so, Article 25 was subject to Article 21 of the Constitution. Judgment in *Noise Pollution (V), in Re*, (2005) 5 SCC 733, was relied upon in this regard.

18) *Arguments of the opposite side:*

The respondents, who are opposing the prayers made in the writ petitions and the IAs, made the submissions to the following effect:

(i) Burning of crackers during *Diwali* does not have any significant adverse affect on the environment. It is argued that there is no study till date which has come to such a conclusion. The Deepawali Monitoring Report, 2017 of CPCB is relied upon for this purpose and on that basis it is contended that the factors which contributed to the problem were not because of crackers burning during *Diwali*. Ambient air quality before and after *Diwali* reflects that there was no spike immediately after *Diwali*. It was accepted that situation of air pollution in Delhi and NCR is 'generally' worrying. However, there are multiple causes which lead to polluting air and such a position existed even before *Diwali*, which showed that other factors played dominant role.

(ii) Insofar as presence of PM<sub>2.5</sub> in the air is concerned, studies of CPCB are relied upon, on the basis of which attempt is made to show that: (a) spike was not so much during *Diwali* days; (b) increase in PM<sub>2.5</sub> in the air does not remain for long, i.e. it does not linger for many days; and (c) it is manageable as well.

Reports of Indian Institute of Technology, Kanpur; National Aeronautics and Space Administration (NASA), USA; a professor from Harvard University; and an affidavit dated January 05, 2018 filed by CPCB were referred to in support.

(iii) It is submitted that pursuant to orders dated September 12, 2017 whereby the Court had directed that a research study needs to be conducted on the impact of bursting fireworks during *Dussehra* and *Diwali* on the health of people, no such empirical data has emerged so far for want of detailed studies.

In nutshell, the argument was that in the absence of any definite study attributing the worsening of air quality to the fireworks during *Diwali*, the right of the manufacturers and traders under Article 19(1)(g), which is a fundamental right to carry on trade, should not be made to suffer till the time there is a complete study in this behalf.

(iv) It is also argued that the revenue generated from the manufacturing and sale of fireworks is to the tune of Rs.6,000

crores per annum. Further, this industry has given employment to five lakh families. Such a revenue to the State as well as employment to large number of workers on which five lakh families sustain cannot be put in jeopardy by imposing a total ban. It was emphasised that there is a necessity to adopt a balanced approach. For this purpose, Status Report and affidavit of the Ministry of Environment, Forest and Climate Change has been relied upon which suggested eco-friendly firecrackers. Advisory dated March 07, 2008 issued by the Petroleum and Explosives Safety Organisation (PESO), which comes under the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India, was also relied upon, as per which the fireworks manufacturers in India were advised to ensure that the firecrackers manufactured by them are within the limits prescribed in Annexure-I to the said Advisory dated March 07, 2008.

(v) The State of Tamil Nadu also supported the cause of the manufacturers and traders of the firecrackers. It was argued that the study undertaken by CPCB pursuant to the directions issued by this Court was conducted by the Committee which did not have a representative from the Fireworks Research and Development Centre (FRDC) which was not even informed about



the development of this case. It was emphasised that any proper study in this behalf should address following aspects:

- a) Socio-economic effect of the ban needs to be examined as it may cause extreme economic hardship,
- b) There should be a proper study about the other factors which were leading to air pollution, like construction activity, etc., which are not banned.
- c) Banning of an activity is an extreme measure. The study should focus on the alternatives available in the present day technology which may be deployed to ensure that pollution free firecrackers can be manufactured.

(vi) Indic Collective (applicant in IA No. 105355 of 2017) opposed the prayer of banning of fireworks during *Diwali* on the ground that it was a religious practice scrupulously followed by the Hindus from time immemorial and it had become a core and essential religious practice which was protected under Article 25 of the Constitution as their fundamental right.

- 19) The arguments of the parties recorded above would show that the submissions for and against almost remain the same, which were advanced on earlier occasions, though the focus of both the sides was more nuanced. In the process, the events and developments which have taken place after passing the order

dated October 09, 2017 have also been relied upon by both the parties.

- 20) Before proceeding to deal with these submissions, it may be apposite to take note of the study that has been undertaken by CPCB on the basis of the directions of this Court in its order dated September 12, 2017.
- 21) Following the directions of this Court, a Committee was appointed to be chaired by the Chairperson of the CPCB. This Committee invited Dr. M.K. Daga, Professor Director, Maulana Azad Medical College (MAMC), as health expert to study the methodology. Dr. Daga suggested that considering the time available, a short-term study based on questionnaire survey, hospital data collection and sampling at a few locations can be conducted. This methodology proposed by Dr. Daga was agreed to by the Committee. The Committee requested MAMC to submit a proposal accordingly. On submission of project proposal, the Committee awarded the project on '*Health Impact Assessment on Firecracker Burning During Dussehra And Diwali*' to MAMC. The scope included questionnaire survey for respiratory, skin, air, eye and relevant symptoms during pre and post *Diwali*, clinical study on lung function and urine samples of randomly selected subjects, and

- 23) It can be discerned from the above that the air quality had worsened during *Diwali*. There were more patients with symptoms of eye, increased coughing and patients with high metal levels in urine. Even noise level had increased. These are the adverse impacts of firecracker bursting, though the study mentions that statistically it was not a significant increase.
- 24) The study has also found that actual  $PM_{2.5}$  mass concentrations increased due to firecracker bursting, which had affected air quality. On *Diwali* day both  $PM_{10}$  and  $PM_{2.5}$  had 2-3.5 fold increase. Also,  $PM_{10}$  and  $PM_{2.5}$  were reported higher in post-*Diwali* day compared to pre-*Diwali* at all stations. Another significant finding is that  $PM_{2.5}$  was reduced by 39% compared to 2016 *Diwali*, presumably due to the ban order on the sale of crackers which was passed on October 09, 2017, which led to lesser quantum of fireworks.
- 25) Two significant features emerge from the above. First, due to fireworks on *Diwali* day,  $PM_{2.5}$  levels go up. Secondly, when there was lesser fireworks in 2017, it had reduced the  $PM_{2.5}$  levels as compared to the earlier *Diwali* in the absence of ban.
- 26) It is an accepted fact that bursting of firecrackers during *Diwali* is not the only reason for deterioration of air quality. There are other

factors as well. It calls for necessity to tackle the other contributory factors for air pollution and making the air quality as 'very poor' and even 'poor'. Unregulated construction activity which generates lot of dust and crop burning in the neighbouring States are the two other major reasons, apart from certain other reasons, including vehicular pollution etc. The moot question in such a scenario is as to whether the menace due to fireworks during *Diwali* or other festivals/occasions should be left untouched and the Court should allow the situation to prevail as it is, only because it is not the sole reason for causing air pollution? Answer has to be in the negative.

- 27) Once it is accepted that PM<sub>2.5</sub> level goes alarmingly higher on *Diwali* and post-*Diwali*, which is the result of bursting of firecrackers, it is necessary to understand the adverse affect on health of persons of this particulate in air, even if such a situation remains only for few days. In this behalf, we may refer to the opinions of some experts/prominent doctors in the field, which have been placed on record by the petitioners.
- 28) Dr. Arvind Kumar, who interfered in the matter, filed his affidavit on August 14, 2018, wherein he has *inter alia* stated as under:

"7. I have consistently found that in the immediate aftermath of *Diwali*, there is an increase in the number of

people coming with chest ailments and many of my operated patients returned with complaints of cough and breathlessness without any other cause for the same. This has forced me to carry out innumerable chest x-rays and CT scans to confirm that the complaints are due to the exposure to toxins. For the sake of relief to the patient and in order to relieve them from bronchospasms, my colleagues and I are compelled to prescribe inhalers which have bronchodilators and inhaled steroids, apart from cough suppressants and antibiotics. Media reports suggest that there has been an increase in asthma medicine sales by 43% due to pollution (Hindustan Times, May 02, 2017). While earlier, it was believed that children with asthma would outgrow the affliction, in the present circumstances, this seems challenging.

8. Both at AIIMS and at Sir Ganga Ram Hospital, there has been a significant increase in the number of patients I would see in my OPD in the days immediately following Diwali, and I have no doubt that this was on account of sudden exposure to the deadly cocktail consisting of extremely high levels of toxic gases, particulate matter and metallic compounds. Each exposure to firework emissions not only leads to acute disastrous effects but also causes cumulative long-term irreversible damage. Once the PM<sub>2.5</sub> particle gets deposited in the lungs, it never leaves, thereby affecting the linking for life and diminishing breathing capacity. This affects not only the respiratory system, but also the cardio-vascular system (heart attacks and hypertension), nervous system (strokes and developmental abnormalities in children), reproductive system and virtually every other health function including the bladder and kidneys.

9. It would be useful to refer to two studies conducted ten years apart by a team including Prof. Sundeep Salvi, Director Chest Research Foundation, Pune and Member of the Government of India's Steering Committee on Air Pollution & Health. The first one in 2007 was presented at the Annual Congress of the European Respiratory Society at Stockholm and reveals the harmful health effects of CO, SO<sub>x</sub> and NO<sub>x</sub> from fireworks.

10. The second is a detailed study on the amount of Particulate Matter in various types of fireworks in India and this was presented at the meeting of the European

Respiratory Society at Milan in 2017. This has since been published in the European Respiratory Journal, and examines the personal exposure levels of fireworks (as against a general study of ambient air). In these isolated and controlled circumstances, the exposure to PM<sub>2.5</sub> was found to be as high as 64,5000 u/m<sub>3</sub>."

- 29) From the aforesaid it can be gathered that when PM<sub>2.5</sub> crosses the normal limits, even if it remains in the air for few days, it becomes severe health hazard thereby causing serious health problems. Unfortunately such problems are virtually irreversible, which means that a person whose health gets affected because of this particulate has a long suffering. In view thereof, argument in opposition that air quality that gets worsened during *Diwali* remains only for few days would be of no consequence as even in few days it causes severe harm to the health of the people, that too for prolonged duration.
- 30) From the aforesaid discussion, the position can be summed up by stating that though burning of crackers during *Diwali* is not the only reason for worsening air quality, at the same time, it definitely contributes to air pollution in a significant way. Again, even when no studies are undertaken on long-term impact thereof, the CPCB Committee, which did this exercise taking it as a short-term project which was assigned to MAMC, has returned a definite finding about deterioration in air quality during *Diwali*

because of burning of crackers. It has also shown that post-*Diwali* air pollution in 2017 was less compared to the 2016 *Diwali* which was the result of lesser fireworks in 2017. This again indicates a direct causal connection between burning crackers during *Diwali* and air pollution. Another immediate effect of burning of crackers is that it results in substantial increase in PM<sub>2.5</sub> level which is a very serious health hazard. In fact, this results in severe noise pollution as well which has acute psychological, mental and even physical affect on animals. In the application seeking intervention and directions (IA No. 68897 of 2018) filed by Gauri Maulekhi, the applicant has placed on record plethora of literature based on various studies depicting profound affect of noise/sound on the health of animals, extending to their neuroendocrine system, reproduction and development, metabolism, cardiovascular health, cognition and sleep, audition, immune system, DNA integrity and gene expression. Fireworks sometimes results in temporary or permanent hearing impairment in animals. Further, dogs are also known to display psychological symptoms of stress during this time. So much so, fireworks has traumatising affect even on birds. Deafening sound which the crackers produce on bursting are known to disorient birds and responsible for their displacement from their nests. Even the

respiratory system of the birds gets affected. Studies also show that the sound of crackers has affect on milch cattle. As the cattle is scared, adrenaline is released in its body which inhibits oxytocin, a hormone which helps the milk cattle to release milk thereby affecting the production of milk.

- 31) The aforesaid findings are sufficient to negate the arguments of the opposite side that there is absence of scientific study about the adverse affect of firecrackers during *Diwali*. In environmental law, 'precautionary principle' is one of the well recognised principles which is followed to save the environment. It is rightly argued by the petitioners that this principle does not need exact studies/material. The very word 'precautionary' indicates that such a measure is taken by way of precaution which can be resorted to even in the absence of definite studies. In ***Vellore Citizens' Welfare Forum***, this Court explained the principle in the following manner:

"11. Some of the salient principles of "Sustainable Development", as culled out from Brundtland Report and other international documents, are Inter-Generational Equity, Use and Conservation of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays Principle, Obligation to Assist and Cooperate, Eradication of Poverty and Financial Assistance to the developing countries. We are, however, of the view that "The Precautionary Principle" and "The Polluter Pays Principle" are essential features of "Sustainable



Development". The "Precautionary Principle" — in the context of the municipal law — means:

(i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The "onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign.

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14. In view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that the Precautionary Principle and the Polluter Pays Principle are part of the environmental law of the country.

15. Even otherwise once these principles are accepted as part of the Customary International Law there would be no difficulty in accepting them as part of the domestic law. It is almost an accepted proposition of law that the rules of Customary International Law which are not contrary to the municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by the courts of law. To support we may refer to Justice H.R. Khanna's opinion in *A.D.M. v. Shivakant Shukla*, *Jolly George Varghese case* and *Gramophone Co. case*.

16. The constitutional and statutory provisions protect a person's right to fresh air, clean water and pollution-free environment, but the source of the right is the inalienable common law right of clean environment..."

32) The precautionary principle accepted in the aforesaid judgment was further elaborated in *A.P. Pollution Control Board's* case as under:

"31. The "uncertainty" of scientific proof and its changing frontiers from time to time has led to great changes in environmental concepts during the period between the Stockholm Conference of 1972 and the Rio Conference of 1992. In *Vellore Citizens' Welfare Forum v. Union of India* a three-Judge Bench of this Court referred to these changes, to the "precautionary principle" and the new concept of "burden of proof" in environmental matters. Kuldip Singh, J. after referring to the principles evolved in various international conferences and to the concept of "sustainable development", stated that the precautionary principle, the polluter-pays principle and the special concept of onus of proof have now emerged and govern the law in our country too, as is clear from Articles 47, 48-A and 51-A(g) of our Constitution and that, in fact, in the various environmental statutes, such as the Water Act, 1974 and other statutes, including the Environment (Protection) Act, 1986, these concepts are already implied. The learned Judge declared that these principles have now become part of our law. The relevant observations in the *Vellore case* in this behalf read as follows: (SCC p. 660, para 14)

"14. In view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that the *precautionary principle* and the *polluter-pays principle* are part of the environmental law of the country."

(emphasis supplied)

The Court observed that even otherwise, the abovesaid principles are accepted as part of the customary international law and hence there should be no difficulty in accepting them as part of our domestic law. In fact, on the facts of the case before this Court, it was directed that the authority to be appointed under Section 3(3) of the Environment (Protection) Act, 1986

"shall implement the 'precautionary principle' and the 'polluter-pays principle'".

The learned Judges also observed that the new concept which places the burden of proof on the developer or industrialist who is proposing to alter the status quo, has also become part of our environmental law.

32. The *Vellore judgment* has referred to these principles briefly but, in our view, it is necessary to explain their meaning in more detail, so that courts and tribunals or environmental authorities can properly apply the said principles in the matters which come before them.

33. A basic shift in the approach to environmental protection occurred initially between 1972 and 1982. Earlier, the concept was based on the "assimilative capacity" rule as revealed from Principle 6 of the Stockholm Declaration of the U.N. Conference on Human Environment, 1972. The said principle *assumed* that science could provide policy-makers with the information and means necessary to avoid encroaching upon the capacity of the environment to assimilate impacts and it *presumed* that relevant technical expertise would be available when environmental harm was predicted and there would be sufficient time to act in order to avoid such harm. But in the 11th Principle of the U.N. General Assembly Resolution on World Charter for Nature, 1982, the emphasis shifted to the "precautionary principle", and this was reiterated in the Rio Conference of 1992 in its Principle 15 which reads as follows:

*"Principle 15.—In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for proposing cost-effective measures to prevent environmental degradation."*

34. In regard to the cause for the emergence of this principle, Charmian Barton, in the article earlier referred to in Vol. 22, Harv. Env't. L. Rev. (1998), p. 509 at p. 547 says:

*"There is nothing to prevent decision-makers from assessing the record and concluding that there is inadequate information on which to reach a determination. If it is not possible to make a decision with 'some' confidence, then it makes sense to err on the side of caution and prevent activities that may cause serious or irreversible harm. An informed decision can be made at a later stage when additional data is available or resources permit further research. To ensure that*

greater caution is taken in environmental management, implementation of the principle through *judicial and legislative means* is necessary."

In other words, the inadequacies of science is the real basis that has led to the precautionary principle of 1982. It is based on the theory that it is better to err on the side of caution and prevent environmental harm which may indeed become irreversible.

35. The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is *based* on scientific uncertainty. Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by (justified) concern or risk potential. The precautionary principle was recommended by the UNEP Governing Council (1989). The Bomako Convention also lowered the threshold at which scientific evidence might require action by not referring to "serious" or "irreversible" as adjectives qualifying harm. However, summing up the legal status of the precautionary principle, one commentator characterised the principle as still "evolving" for though it is accepted as part of the international customary law, "the consequences of its application in any potential situation will be influenced by the circumstances of each case". (See First Report of Dr Sreenivasa Rao Pemmaraju — Special Rapporteur, International Law Commission dated 3-4-1998, paras 61 to 72.)"

- 33) In such cases which pertain to the protection of environment, thrusting of '*onus of proof*' on the developer/industrialist in **Vellore Citizens' Welfare Forum** was also elaborated by the Court in the following manner:

"36. We shall next elaborate the new concept of burden of proof referred to in the *Vellore case* at p. 658. In that case, Kuldip Singh, J. stated as follows: (SCC p. 658, para 11)

“(iii) The ‘onus of proof’ is on the actor or the developer/industrialist to show that his action is environmentally benign.”

37. It is to be noticed that while the inadequacies of science have led to the “precautionary principle”, the said “precautionary principle” in its turn, has led to the special principle of *burden of proof* in environmental cases where burden as to the absence of injurious effect of the actions proposed, — is placed on those who want to change the status quo [Wynne, *Uncertainty and Environmental Learning*, 2 Global Env'tl. Change 111 (1992) at p. 123]. This is often termed as a reversal of the burden of proof, because otherwise in environmental cases, those opposing the change would be compelled to shoulder the evidentiary burden, a procedure which is not fair. Therefore, it is necessary that the party attempting to preserve the status quo by maintaining a less polluted state should not carry the burden of proof and the party who wants to alter it, must bear this burden. [See James M. Olson: “*Shifting the Burden of Proof*”, 20 Env'tl. Law, p. 891 at p. 898 (1990).] [Quoted in Vol. 22 (1998), Harv. Env. Law Review, p. 509 at pp. 519, 550.]

38. The precautionary principle suggests that where there is an identifiable risk of serious or irreversible harm, including, for example, extinction of species, widespread toxic pollution in major threats to essential ecological processes, it may be appropriate to place the burden of proof on the person or entity proposing the activity that is potentially harmful to the environment. (See Report of Dr Sreenivasa Rao Pemmaraju, Special Rapporteur, International Law Commission, dated 3-4-1998, para 61.)”

- 34) This brings us to the next argument which is predicated on Article 19(1)(g) of the Constitution. Mr. Shankarnarayanan had submitted that principle of *res extra commercium* shall apply inasmuch as firecrackers are a health hazard, the manufacturers and traders thereof cannot claim any fundamental right to carry

on business in this field. Such a plea may not be tenable. Therefore, it calls for a measure that would amount to a reasonable restriction.

35) It may be stressed that in *Vellore Citizens' Welfare Forum* case, this Court had banned the tanneries when it was found that they were causing immense damage to the environment. Thus, environment protection, which is a facet of Article 21, was given supremacy over the right to carry on business enshrined in Article 19(1)(g). We state at the cost of repetition that right of health, which is recognised as a facet of Article 21 of the Constitution and, therefore, is a fundamental right, assumes greater importance. It is not only the petitioners and other applicants who have intervened in support of the petitioners but the issue involves millions of persons living in Delhi and NCR, whose right to health is at stake. However, for the time being, without going into this debate in greater details, our endeavour is to strive at balancing of two rights, namely, right of the petitioners under Article 21 and right of the manufacturers and traders under Article 19(1)(g) of the Constitution.

36) Almost for the same reasons, argument predicated on Article 25 of the Constitution need not detain us. We proceed on the

assumption that burning of crackers during *Diwali* is a part of religious practice. The question is as to whether it should be allowed to be continued in the present form without any regulatory measures, as a part of religious practice, even if it is proving to be a serious health hazard. We feel that Article 25 is subject to Article 21 and if a particular religious practice is threatening the health and lives of people, such practice is not entitled to protection under Article 25. In any case, balancing can be done here as well by allowing the practice subject to those conditions which ensure nil or negligible effect on health.

- 37) We now deal with the argument that banning the sale of firecrackers may lead to extreme economic hardship, namely, on the one hand loss of substantial revenue and on the other hand unemployment to lakhs of persons. This brings up the issue of connect or relationship between the law and economics. This aspect was considered by this Court in ***Shivashakti Sugars Limited v. Shree Renuka Sugar Limited and Others***, (2017) 7 SCC 729, and the relevant portion whereof is reproduced below:

"43...Interface between Law and Economics is much more relevant in today's time when the country has ushered into the era of economic liberalisation, which is also termed as "globalisation" of economy. India is on the road of economic growth. It has been a developing economy for number of decades and all efforts are made, at all levels, to ensure that it becomes a fully developed economy. Various



measures are taken in this behalf by the policy-makers. The judicial wing, while undertaking the task of performing its judicial function, is also required to perform its role in this direction. It calls for an economic analysis of law approach, most commonly referred to as "Law and Economics" [ Richard A. Posner in his book *Frontiers of Legal Theory* explains this concept as follows: "Economic analysis of law has heuristic, descriptive and normative aspects. As a heuristic, it seeks to display underlying unities in legal doctrines and institutions; in its descriptive mode, it seeks to identify the economic logic and effects of doctrines and institutions and the economic causes of legal change; in its normative aspect it advises Judges and other policy-makers on the most efficient methods of regulating conduct through law. The range of its subject-matter has become wide, indeed all-encompassing. Exploiting advances in the economics of nonmarket behaviour, economic analysis of law has expanded far beyond its original focus on antitrust, taxation, public utility regulation, corporate finance, and other areas of explicitly economic regulation. (And within that domain, it has expanded to include such fields as property and contract law.) The "new" economic analysis of law embraces such nonmarket, or quasi-nonmarket, fields of law as tort law, family law, criminal law, free speech, procedure, legislation, public international law, the law of intellectual property, the rules governing the trial and appellate process, environmental law, the administrative process, the regulation of health and safety, the laws forbidding discrimination in employment, and social norms viewed as a source of, an obstacle to, and a substitute for formal law." Posner also mentioned that this interface between Law and Economics might grandly be called "Economic Theory of Law", which is built on a pioneering article by Ronald Coase [R.H. Coase, "The Problem of Social Cost", 3 *Journal of Law and Economics* 1 (1960)]: "The "Coase Theorem" holds that where market transaction costs are zero, the law's initial assignment of rights is irrelevant to efficiency, since if the assignment is inefficient the parties will rectify it by a corrective transaction. There are two important corollaries. The first is that the law, to the extent interested in promoting economic efficiency, should try to minimize transaction costs, for example by defining property rights clearly, by making them readily transferable, and by creating cheap and effective remedies for breach of contract.... The second corollary of the Coase Theorem is that where, despite the law's best efforts, market transaction costs remain high, the law



should simulate the market's allocation of resources by assigning property rights to the highest-valued users. An example is the fair-use doctrine of copyright law, which allows writers to publish short quotations from a copyrighted work without negotiating with the copyright holder. The costs of such negotiations would usually be prohibitive; if they were not prohibitive, the usual result would be an agreement to permit the quotation, and so the doctrine of fair use brings about the result that the market would bring about if market transactions were feasible."]. In fact, in certain branches of Law there is a direct impact of Economics and economic considerations play predominant role, which are even recognised as legal principles. Monopoly laws (popularly known as "Antitrust Laws" in USA) have been transformed by Economics. The issues arising in competition laws (which has replaced monopoly laws) are decided primarily on economic analysis of various provisions of the Competition Commission Act. Similar approach is to be necessarily adopted while interpreting bankruptcy laws or even matters relating to corporate finance, etc. The impress of Economics is strong while examining various facets of the issues arising under the aforesaid laws. In fact, economic evidence plays a big role even while deciding environmental issues. There is a growing role of Economics in contract, labour, tax, corporate and other laws. Courts are increasingly receptive to economic arguments while deciding these issues. In such an environment it becomes the bounden duty of the Court to have the economic analysis and economic impact of its decisions."

- 38) Applying the aforesaid principle, in the first blush it may appear that the aforesaid argument has substantial force in it. However, that would be only one side of the picture as there are two contra arguments which are sufficient to take the sheen out of the aforesaid plea. First aspect is that the argument of economic hardship is pitched against right to health and life. When the Court is called upon to protect the right to life, economic effect of

a particular measure for the protection of such right to health will have to give way to this fundamental right. Second factor, which is equally important, is that the economic loss to the State is pitched against the economic loss in the form of cost of treatment for treating the ailments with which people suffer as a result of burning of these crackers. Health hazards in the form of various diseases that are the direct result of burning of crackers have already been noted above. It leads to asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. Some of the diseases continue on a prolonged basis. Some of these which are caused because of high level of PM<sub>2.5</sub> are even irreversible. In such cases, patients may have to continue to get the medical treatment for much longer period and even for life. Though there are no statistics as to what would be the cost for treating such diseases which are as a direct consequence of fireworks on these occasions like *Diwali*, it can safely be said that this may also be substantial. It may be more than the revenue which is generated from the manufacturers of the crackers. However, we say no more for want of precise statistical data in this behalf.

- 39) With this, we come to the most important issue, viz. whether there has to be a complete ban on display of fireworks during *Diwali* or

it can be controlled/regulated in a manner which may not result into air pollution or may be least intrusive.

- 40) It would be significant to mention at this stage that there have been lots of efforts for production of firecrackers which do not contain harmful chemicals and thereby not causing air pollution, which are even termed as 'Green Crackers'. The Union of India was asked to delve on this aspect. In fact, during the hearing of this matter, order was passed on August 14, 2018 giving direction to respondent No.1 to give its complete suggestions to deal with the problems and issues involved which have been recapitulated above. This order reads as under:

"Further arguments heard in these matters. Arguments have not been concluded.

We are of the opinion that Union of India/Ministry of Environment should come out with its concrete suggestions to deal with problems and issues which are involved in these petitions and what short term measures can be adopted to tackle the pollution problem which occurs due to firecrackers during Diwali. Such affidavit shall be filed by or before next date of hearing.

List on 21.8.2018."

- 41) Pursuant to the aforesaid direction, respondent No.1 has filed its affidavit on August 21, 2018. This affidavit states that the Ministry consulted : (i) The Council of Scientific & Industrial Research (CSIR) - National Environment Engineering Research Institute

(NEERI), (ii) PESO, and (iii) CPCB regarding concrete solutions and short-term measures to be adopted to tackle the pollution problem which occurs due to firecrackers during *Diwali*. Suggestions are received from the aforesaid bodies which are annexed as Annexures R-1, R-2 and R-3 respectively. Based on those suggestions, the Ministry has given the following short-term measures/actions which it proposes to tackle the pollution problem due to firecrackers during forthcoming *Diwali* in November 2018:

- I. To address issue of high contents of unburnt material or partially combusted material due to usage of poor quality of raw material, Raw Material Characterisation Facilities shall be established to maintain quality of the raw materials in gun powder and flash powder as per specifications of PESO. Testing of raw materials shall be initiated at CSIR - Kaliswari Joint Facility or PESO or any of the other manufacturer with requisite facilities.
- II. Use of Reduced Emission firecrackers (Improved crackers) - (a) Avoidance of use of ash as desiccant or filler materials in crackers for reduction in particulate mater 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.
- III. 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<sub>x</sub> and SO<sub>2</sub> 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.

- IV. PESO will ensure fireworks with permitted chemicals only to be purchased/possessed/sold/used during Diwali and shall test and check for the presence of banned chemicals like lithium/arsenic/antimony/lead/mercury. PESO will ensure suspension of the licenses of manufacturers of such fireworks items and appropriate disposal of such stock.
- V. 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 licenses of the manufacturers on such violations and disposal of such lots.
- VI. Diwali data of 2017 shows that average PM<sub>2.5</sub> was 604 ug/m<sup>3</sup>, whereas, Aluminum and Barium in PM<sub>2.5</sub> were 159 ug/m<sup>3</sup> (about 4 times of AAQCVs) and 35 ug/m<sup>3</sup> (about 9 times of AAQCVs) respectively. Iron was well within the prescribed limits. Aluminum is used as fuel in fireworks in and to give white brilliant sparkle. Ba is added to give only attractive green colour which is not essential for pyrotechnics. Aluminum may cause dermatitis and having bio-accumulation potential in case of long exposure. Ba salts emit poisonous gas causing respiratory problem in short-term exposure too and may have other health complications in long-term exposure. Therefore, as immediate measure, banning of Barium salts in fireworks may be considered. PESO may be asked to review the chemical composition of fireworks, particularly reducing Aluminum content.
- VII. 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, Aluminum, 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 Aluminum, Barium and Iron used in the manufacture of firecrackers.

VIII. The manufacture, sale and use of joined firecrackers (series crackers or laris) may be banned as the same causes huge air, noise and solid waste problems.

IX. Major Indian cities may explore the option of community firecracking with strict time restriction as adopted in some countries. Other restriction that can be explored include - bursting of firecrackers may be allowed only in the areas/fields pre-identified and pre-designated by respective State Governments.

X. 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."

42) 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 concerned authorities to implement the same with immediate effect. In view thereof, following specific directions are issued:

- (i) The crackers with reduced emission (improved crackers) and green crackers, as mentioned in Suggestion Nos. II and III above only would be permitted to be manufactured and sold.
- (ii) As a consequence, production and sale of crackers other than those mentioned in Suggestion Nos. II and III is hereby banned.

- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) Barium salts in the fireworks is also hereby banned.
- (vii) PESO is directed to review the clinical composition of fireworks, particularly reducing Aluminum 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.
- (viii) Even those crackers which have already been produced and they do not fulfill the conditions mentioned in Suggestion Nos. II and III above will not be allowed to be sold in Delhi and NCR.

- (ix) 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.
- (x) PESO will ensure suspension of the licenses of manufacturers of such fireworks items and appropriate disposal of such stock.
- (xi) 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 licenses of the manufacturers on such violations and disposal of such lots. To add to it, as mentioned in the order dated September 12, 2017, the directions issued and restrictions imposed in the order passed by this Court on July 18, 2005 in ***Noise Pollution (V)*** shall continue to be in force.
- (xii) Direction Nos. 4 to 9 and 11 contained in the order dated September 12, 2017 shall continue to operate and are reiterated again.
- (xiii) 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.

(xiv) On *Diwali* days or on any other festivals like *Gurpurab* 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 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.

(xv) The Union of India, Government of NCT of Delhi and the State Governments of the 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 pre-designated by the concerned authorities. 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 No. (xiv) pertaining to the duration within which fireworks can take place on all such occasions would be applicable throughout India. Similarly, Direction No. (xiii) for extensive public awareness campaigns is also a pan India direction.

- (xvi) 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 concerned Police Station of the area 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.
- (xvii) 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, Aluminum, 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 Aluminum, Barium and Iron used in the manufacture of firecrackers.

- 43) One clarification needs to be given at this stage. Our discussion pertaining to the arguments based on Article 19(1)(g), Article 25 as well as the argument of loss of substantial revenue and unemployment, in cases the manufacture and sale of the firecrackers is totally banned, is *prima facie* and we have not given our conclusive determination. It is because of want of detailed studies on various aspects which have been mentioned and taken note of during discussion in this order. However, we also make it clear that, *prima facie*, we do not find much merit in these arguments for which we have given our reasons in brief.
- 44) Having regard to the overall circumstances, we have decided that, for the time being, a balanced approach to tackle this

problem is needed, which may take care of the concerns of both the parties and, at the same time, provide a reasonable and adequate solution. When the picture would become clearer after the requisite studies/research is undertaken, more stringent measures can be adopted in future if the situation so warrants.

- 45) All the interlocutory applications seeking impleadment, intervention, directions, modification, etc. are disposed of in the aforesaid terms.
- 46) The writ petitions be listed on December 11, 2018.

.....J.  
(A.K. SIKRI)

.....J.  
(ASHOK BHUSHAN)

NEW DELHI;  
OCTOBER 23, 2018.



HARYANA STATE POLLUTION CONTROL BOARD  
C-11, SECTOR-6, PANCHKULA  
Ph-2577870-73 E-mail: [hspcbsee2@gmail.com](mailto:hspcbsee2@gmail.com)

18/56/199  
Annexure - B

No. HSPCB/Air Cell-II/2018/3073

Dated: 31.10.18

To

M/s Fare Labs Food Analysis & Research Laboratory,  
# L17/3, DLF Phase-II, IFFCO Chowk,  
M.G. Road, Gurgaon - 122002, Haryana

Sub:-

**Monitoring of Ambient Noise and Ambient Air Quality in 08 Cities i.e. Panchkula, Ambala, Karnal, Panipat, Gurugram, Faridabad, Hisar and Rohtak (at 02 location each) from 01.11.2018 to 14.11.2018.**

Kindly refer to this office letter no. HSPCB/SSC/2018/6768 dated 29.10.2018 send through e-mail and rates submitted by you vide e-mail dated 30.10.2018 on the subject noted above.

In this context, it is intimated that the rates submitted by you vide your e-mail dated 30.10.2018 for carrying out Ambient Noise and Ambient Air Quality Monitoring has been considered by Competent Authority and approval is hereby granted for carrying out Ambient Air Quality Monitoring for consecutive 14 days commencing from 01.11.2018 to 14.11.2018 and Noise Level Monitoring on Pre-Deepawali day i.e. 01.11.2018 and Deepawali day on 07.11.2018. for the parameters mentioned in CPCBs letter dated 05.10.2018 as per the following rates, terms and conditions mentioned below:-

Job Description	Parameter to be monitored	Total Amount
Ambient Air Quality Monitoring for consecutive 14 days commencing from 01.11.2018 to 14.11.2018	PM10, PM2.5, SO2, NO2 and metals (Pb, Ni & As in PM10) Selected metals/elements (Al, Ba, Sr & Fe in PM2.5)	Rs. 1,16,000 per location
And Noise Level Monitoring on Pre-Deepawali day i.e. 01.11.2018 and Deepawali day on 07.11.2018. for the parameters mentioned in CPCBs letter dated 05.10.2018	Noise Monitoring is to be carried out as per the format / mandate of CPCB.	

**Terms & Conditions:**

1. Ambient Air Quality Monitoring & Ambient Noise Monitoring is to be carried out in 08 cities (02 location each) i.e. Panchkula, Ambala, Karnal, Panipat, Gurugram, Faridabad, Hisar and Rohtak as per detail given in job description.
2. GST @ 18% will be paid extra.
3. The rate includes all the expenses i.e. transportation etc.
4. The lab will contact the respective Regional Officer for carrying out the monitoring from 01.11.2018 to 14.11.2018.
5. The sampling report will be submitted by the lab in hard copy as well as in soft copy within 07 days after carrying out the monitoring as per the format prescribed by CPCB.

  
Sr. Env. Engineer-II (HQ)  
For Chairman

Dated: 31.10.18

Endst. No. HSPCB/Air Cell-II/2018/3074-80

A copy of the above is forwarded to Regional Officers Panchkula, Yamuna Nagar, Panipat, Gurugram (N), Faridabad, Hisar & Bahadurgarh for their information. Regional Officers are requested to finalize the locations in cities mentioned above. (1 commercial and 1 residential location in each city in consultation with M/s Fare Labs Pvt. Ltd, Gurgaon. Regional Officers may contact Sh. Omkar Nath, representative of the lab (Mobile No. 9599600493) for fixing the locations in their respective area. The Regional Officer will provide all the logistic support for carrying out for the monitoring of Ambient Air & Noise. Regional Officer will also depute an officer not below the rank of JEE to oversee the monitoring to be carried out by the Lab.

  
Sr. Env. Engineer-II (HQ)  
For Chairman



HARYANA STATE POLLUTION CONTROL BOARD  
C-11, SECTOR-6, PANCHKULA  
Ph-2577870-73 E-mail: [hspcbsee2@gmail.com](mailto:hspcbsee2@gmail.com)

18/57/200

Dated: 31.10.18

No. HSPCB/Air Cell-II/2018/3081

To

M/s Arihant Analytical Laboratory Pvt. Ltd.,  
Plot No.272, Sector- 57, Phase - w, HSIIDC,  
Kundli, Sonipat, Haryana

Sub: - **Monitoring of Ambient Noise and Ambient Air Quality in sonipat City (at 02 location each) from 01.11.2018 to 14.11.2018.**

Kindly refer to this office letter no. HSPCB/SSC/2018/6768 dated 29.10.2018 send through e-mail and rates submitted by you vide e-mail dated 30.10.2018 on the subject noted above

In this context, it is intimated that the rates submitted by you vide your e-mail dated 30.10.2018 for carrying out Ambient Noise and Ambient Air Quality Monitoring has been considered by Competent Authority and approval is hereby granted for carrying out Ambient Air Quality Monitoring for consecutive 14 days commencing from 01.11.2018 to 14.11.2018 and Noise Level Monitoring on Pre-Deepawali day i.e. 01.11.2018 and Deepawali day on 07.11.2018. for the parameters mentioned in CPCBs letter dated 05.10.2018 as per the following rates, terms and conditions mentioned below:-

Job Description	Parameter to be monitored	Total Amount
Ambient Air Quality Monitoring for consecutive 14 days commencing from 01.11.2018 to 14.11.2018	PM10, PM2.5, SO2, NO2 and metals (Pb, Ni & As in PM10) Selected metals/elements (Al, Ba, Sr & Fe in PM2.5)	Rs. 1,16,000 per location
And Noise Level Monitoring on Pre-Deepawali day i.e. 01.11.2018 and Deepawali day on 07.11.2018. for the parameters mentioned in CPCBs letter dated 05.10.2018	Noise Monitoring is to be carried out as per the format / mandate of CPCB.	

**Terms & Conditions:**

1. Ambient Air Quality Monitoring & Ambient Noise Monitoring is to be carried out in Sonipat city (02 location each as per detail given in job description).
2. GST @ 18% will be paid extra
3. The rate includes all the expenses i.e. transportation etc.
4. The lab will contact the respective Regional Officer for carrying out the monitoring from 01.11.2018 to 14.11.2018.
5. The sampling report will be submitted by the lab in hard copy as well as in soft copy within 07 days after carrying out the monitoring as per the format prescribed by CPCB.

Sr. Env. Engineer-II (HQ)  
For Chairman

Dated: 31.10.18

Endst. No. HSPCB/Air Cell-II/2018/3082

A copy of the above is forwarded to Regional Officers Sonipat for the information. Regional Officer, Sonipat is requested to finalize the locations in Sonipat city mentioned above ( 1 commercial and 1 residential location in each city ) in consultation with M/s Arihant Analytical Laboratory Pvt. Ltd, Sonipat. Regional Officer may contact Sh. Vikas Joel, representative of the lab (Mobile No. 9992999998) for fixing the locations in their respective area. The Regional Officer will provide all the logistic support for carrying out for the monitoring of Ambient Air & Noise. Regional Officer will also depute an officer not below the rank of JEE to oversee the monitoring to be carried out by the Lab.

Sr. Env. Engineer-II (HQ)  
For Chairman

HARYANA STATE POLLUTION CONTROL BOARD  
C-11, SECTOR-6, PANCHKULA  
Ph-2577870-73 E-mail: [hspcbsee2@gmail.com](mailto:hspcbsee2@gmail.com)

HSPCB

Dated: 05/11/18

No. HSPCB/Air Cell-II/2018/ 3125

**Corrigendum**

To

M/s Arihant Analytical Laboratory Pvt. Ltd.,  
Plot No.272, Sector- 57 , Phase - iv , HSIIDC,  
Kundli, Sonipat, Haryana

Sub: - **Monitoring of Ambient Noise and Ambient Air Quality in Sonipat City(at 02 location) from 01.11.2018 to 14.11.2018.**

Vide this office letter No. HSPCB/Air Cell-II/2018/3081 dated 31.10.2018, order was issued for monitoring Noise and Ambient Air Quality from 01.11.2018 to 14.11.2018 for Sonipat city. Due to clerical mistake, the total amount for carrying out this monitoring was mentioned as Rs. 1.16,000 per location instead of Rs. 1,13,200 per location. The total amount for monitoring be treated as Rs. 1,13,200 per location.

*[Signature]*  
of Sr. Env. Engineer-II (HQ)  
For Chairman  
Dated: 05/11/18

Endst. No. HSPCB/Air Cell-II/2018/ 3126

A copy of the above is forwarded to Regional Officers Sonipat for the information.

*[Signature]*  
of Sr. Env. Engineer-II (HQ)  
For Chairman

Endst. No. HSPCB/Air Cell-II/2018/ 3127

Dated: 05/11/2018

A copy of the above is forwarded Senior Account Officer, HSPCB, Panchkula for the information. and necessary action please.

*[Signature]*  
of Sr. Env. Engineer-II (HQ)  
For Chairman  
e.

**Agenda Item no:- 183.19 (s) Amendment in Environment Department notification dated 11.05.2016 regarding consideration of time period for shifting of the stone crushers which are now not meeting the siting criteria norms due to expansion in MC Limit.**

As submitted by Regional Officer, Dharuhera Region some stone crushers of Dharuhera Region are now not meeting the sitting criteria norms w.r.t. the minimum distance required from the nearest town / city / Municipal Limits due to increase in municipal limit of Municipal Council of Narnual vide notification dated 07.11.2017 (copy enclosed as **Annexure-A**).

TAC in its meeting held on 12.10.2018 recommended that concerned Branch In-charge dealing the subject matter of stone crushers will take up the matter with the Government to make such provisions in the modalities and guidelines and notification dated 11.05.2016 for grant of appropriate time to such stone crushers for shifting to a site meeting the prescribed siting parameters. Minutes of TAC enclosed as **Annexure-B**.

As per the modalities / guidelines dated 23.06.2016 (copy enclosed as **Annexure-C**) for implementation of notification dated 11.05.2016 for the stone crushers, a time of 3 years counted from the date of notification dated 11.05.2016 has been granted to the stone crushing units which were holding consent to operate issued prior to the date of notification dated 11.05.2016 and having validity beyond the said date i.e. 11.05.2016 and at the same time fails to meet sitting norms prescribed in notification dated 11.05.2016. The above said time was granted for shifting within any identified crushing zone or procure suitable land for the said purpose at location that confirms to the sitting norms as per notification dated 11.05.2016.

In view of above, a time period of 3 years from the date of notification of increase in municipal limit may be considered for shifting of the stone crushers which are now not meeting the sitting criteria norms w.r.t. the minimum distance required from the nearest town / city / Municipal Limits due to increase in municipal limit, on the same line as already considered for the stone crushing units which were holding consent to operate issued prior to the date of notification dated 11.05.2016 and having validity beyond the said date i.e. 11.05.2016 and at the same time fails to meet sitting norms prescribed in notification dated 11.05.2016.

The matter is placed before the Board for its approval for sending the above said matter to Government for consideration.



19/2/2013

Annexure - A

16

Received by  
Date: 13-4-2018  
Municipal Council

Haryana Government  
Urban Local Bodies Department  
Notification

Dated:- 7-11-2017

DC  
27-3-18  
M E Chandel  
up file  
AS  
E-2

No. 18/83/2017-3C1 :- In pursuance of the provision of sub-section (3) of Section-4 of the Haryana Municipal Act, 1973 (Act 24 of 1973) and with reference to Haryana Government, Urban Local Bodies Department notification no. 18/83/2017-3C1 dated 27.06.2017, the Governor of Haryana hereby include within the Municipal Council, Narnaul in District, Mohindergarh at Narnaul the area lying between the existing boundaries as defined in the erstwhile Haryana Govt. (Urban Local Bodies Department notification No. 18/1/2002-2C1, dated 24.07.2003 and the boundaries now proposed as specified in the schedule here to be appended.

SCHEDULED OF BOUNDARY

**EAST:-** The Purposed limit start from Mirpur Hdbt. No. 185 Mustil No. 4 Kila No. 15 to village Patikara Hdbt. 186 Mustil No. 2 Kila No. 10 to along east side touching village Kojinda Hdbt. No. 193 Mustil No. 2 Kila No. 20 to village Shapur Awval Hdbt. No. 211 Mustil No. 21 Kila No. 5 and end at Shapur Awval Mustil No. 67 Kila No. 10.

**SOUTH:-** At this side the Purposed limit start from Shapur Awval Hdbt. No. 211 Mustil No. 67 Kila No. 10 along the south side to village Tajpur Hdbt. 212 Mustil No. 47 Kila No. 19 to Narnaul Khasra No. 5336 ad ends at village Tajpur Hdbt. No. 213 Mustil No. 31 Kila No. 23

**WEST:-** At this side the Purposed limit start from Tajpur Hdbt. No. 213 Mustil No. 31 Kila No. 23 to Narnaul Khasra No. 3447 to village Lutafpur Hdbt. 157 Mustil No. 57 Kila No. 15/2 to village Rasulpur Hdbt. No. 158 Mustil No. 50 Kila No. 17 to village Raghunathpura Hdbt. No. 138 Mustil No. 41 Kila No. 20 and ends at Mustil No. 18 Kila No. 20.

**NORTH:-** At this side the Purposed limit start from village Raghunathpura Hdbt. No. 138 Mustil No. 18 Kila No. 20 to Narnaul Khasra No. 207 to village Kiraroon Afgaan Hdbt. 163 Mustil No. 31 Kila No. 13 to village Naseepur Hdbt. No. 162 Mustil No. 01 Kila No. 25 along towards to village Kuni Awval Hdbt. No. 161 Mustil No. 25

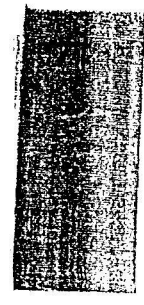
Urban Local Bodies Department

Page 1

OFFICE OF THE DEPUTY COMMISSIONER  
M.GARH AT NARNAUL

Ensd No. 49/LBA Date 12-4-18  
A copy is forwarded to the P.O. M.C. Narnaul  
for information and necessary action.

For Deputy Commissioner  
Mohindergarh at Narnaul



305  
4/4/18

2/LBA  
5-4-18

Kila No. 25 to village Naseebpur Hdbt. No. 162 Mustil No. 34 Kila No. 25 to village Nuni Awwal Hdbt. No. 161 Mustil No. 16 Kila No. 23 to Village Naseebpur Hdbt. No. 162 Mustil No. 32 Kila No. 17 and ends at Village Mirpur Hdbt. No. 185 Mustil No. 04 Kila No. 15 .

Anand M. Sharan  
Principal Secretary to Govt. Haryana,  
Urban Local Bodies Department,

Endst. No. 18/83/2017-3C1

Dated:- 07-11-12

A copy is forwarded to the Controller, Printing and Stationery Department, Chandigarh with the request that above notification (both in Hindi and English) may please be published in the Haryana Government Gazette (Extra-Ordinary).

He is requested to supply 50-50 printed copies of the said notification to the Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh/Director General, Urban Local Bodies, Haryana, Panchkula.

B/C

Superintendent Committee-I  
for Principal Secretary to Government Haryana,  
Urban Local Bodies Department,

Endst. No. 18/83/2017-3C1

Dated:- 07-11-12

A copy is forwarded to the following for information and necessary action :-

1. Commissioner, Gurugram Division, Gurugram.
2. Director General, Urban Local Bodies, Haryana, Panchkula.
3. Director, Development and Panchayat, Haryana, Chandigarh
4. Deputy Commissioner, Mohindergarh at Narnaul.
5. Executive officer, Municipal Council, Narnaul.
6. State Election Commission, Haryana, Nirwahan Sadan, Plot No. 2, Sector-17 Panchkula.

B/C

Superintendent Committee-I  
for Principal Secretary to Government Haryana,  
Urban Local Bodies Department,



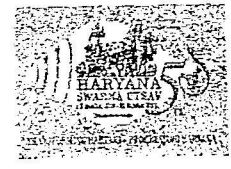
**HARYANA STATE POLLUTION CONTROL BOARD**

C-11 Sector-6, Panchkula

Ph - 0172- 577870-73, Fax No. 2581201

E-mail- hspcbho@gmail.com

Website: hspcb.gov.in



No. HSPCB/2018/ 5652-73

Dated: 15/11/18

To

- 1. All the Branch Incharges in Head Office.
- 2. All the Regional Officers in the field.

**Sub: Recommendation of Technical Advisory Committee (TAC) of HSPCB, made in its meeting held on 12.10.2018 & 29.10.2018.**

Please refer to the subject noted above.

In this connection, it is intimated that the recommendation of Technical Advisory Committee (TAC) of HSPCB, made in its meeting held on 12.10.2018 & 29.10.2018 has been approved by the Competent Authority, copy of which is enclosed herewith for your information and necessary action.

You are requested to take further action on the subject matter related to your branch as per approval of the Competent Authority including approval from Board/Government wherever required, if any and submit action taken report, immediately.

DA/ As above.

*[Signature]*  
15/11/18  
AEE (HQ)  
For Chairman

Endst. No. HSPCB/2018/

Dated:

A copy of the above is forwarded to the following for kind information of the officers:-

- 1. PS to Chairman.
- 2. PA to Member Secretary.

DA/ As above.

AEE (HQ)  
For Chairman

Publicity Cell

for N/A

20/11/18

21/11/18

21/11/18

21/11/18

19/5/206

Recommendation of Technical Advisory Committee of HSPCB made in its meeting held on 12.10.2018 under the Chairmanship of Sh. S. Narayanan IFS, Member Secretary, HSPCB.

The meeting of TAC was held on 12.10.2018 under the Chairmanship of Sh. S. Narayanan, Member Secretary, HSPCB in his office and the following members of the committee and other officers attended the meeting:-

1. Sh. S. S. Rathi, Sr. Environment Engineer-I (HQ).
2. Sh. Chand Saini, Sr. Environment Engineer-II (HQ).
3. Sh. Rajesh Garhia, Scientist-C (HQ).
4. Sh. Nitin Mehta, EE-IT (HQ)
5. Sh. Satbir Singh, District Attorney (HQ)
6. Sh. R.K. Bhosle, Regional Officer, Panchkula
7. Sh. Vikas Chand, AEE(HQ)

Sh. J. P. Singh, EE (HQ) Water Cell did not attend the meeting. Sh. Nirmal Kumar, EE (HQ) & Sh. Virender Punia, EE (HQ) attended the meeting as special invitee.

At the outset of the meeting, Sr.EE-I welcomed all the officers in the meeting and thereafter, the agenda items circulated vide letter no. HSPCB/PLG-TAC/2018/5341-50 dated 11.10.2018 was taken up and discussed in the meeting as detailed below:-

#### Agenda item No. 1

Regarding removing the mandatory requirement of applying for the service of forest NOC for obtaining CTE and other services.

The above said agenda item has been received from Planning Branch in view of letter dated 24.08.2018 received from CEO, HEPC to consider removing the mandatory requirement of applying for the service of forest NOC for obtaining CTE and other services.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that matter regarding the requirement of proof of receipt of application submitted to the Forest Department for clearance / permission /NOC, of Forest Department can't be simplified further because the issue regarding establishment of industrial sector /units in forest area has come up in various court cases before Hon'ble NGT and Hon'ble Apex Court of India, who has taken serious view in this matter.

#### Agenda item No. 2

Regarding revision and updation of closure/prosecution decision.

The above said agenda item has been received from Planning Branch in view of copy of policy order dated 06.06.2012 received having remarks given by Worthy Chairman, HSPCB that the orders needs to revised and updated for closure/prosecution

64  
19/6/207

355

decision (1) the points which have become irrelevant needs to be omitted (2) wherever revisit to be required.

The matter was discussed in the meeting and after detail deliberation, the committee observed that the procedure defined vide policy order dated 06.06.2012 has already been revised vide policy order 07.03.2014 and 26.02.2018 and thus no further action is required to be taken in this matter.

#### Agenda item No. 3

Regarding framing policy for first CTE and CTO (also accounting the time on account of stabilization of plant).

The above said agenda item has been received from EE (HQ) dealing with Panipat Region as Chairman, HSPCB on the case file of M/s Balaji Spuntex, Village Pasinakalan, Panipat has ordered that in future if in given time limit of CTE (and also accounting for the same time on account of stabilization of plant), SCN must be issued so that 1st CTO is applied on the time & get policy framed in TAC.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that IT Cell will add the procedure for issuance of show cause notice in the software of OCCMS under development.

#### Agenda item No. 4

Regarding the decision on CTO application & CTE already granted of the stone crusher falls within M.C limit after expansion in M.C limit of Municipal Council Narnaul vide notification dated 07.11.2017 units.

The above said agenda item has been received from EE (HQ) dealing with Dharuhera Region in reference to RO Dharuhera letter no. 1380 dated 16.07.2018 wherein he has intimated that Municipal Limit of Municipal Council Narnaul has been increased vide notification dated 07.11.2017 and requested for decision on CTO application & CTE already granted to the stone crushers which are not fulfilling the siting parameters now from M.C limit after extension of limits of M.C. Narnaul.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that there is provision in the modalities and guidelines regarding the clarification from the Government in case any doubt in the implementation of notification dated 11.05.2016. The committee is of the opinion that a sufficient time may be given to such type of stone crushers for shifting to a site meeting the siting parameters where CTE and/or CTO has been granted by the Board based on siting parameters prescribed in notification dated 11.05.2016 but due to extension in the boundary limits of MCs/Village Panchayats or due to coming up of any prescribed activity at late stage causing the non meets of prescribed siting parameters.

Therefore concerned branch incharge dealing the subject matter of stone crushers will take up the matter with the Govt. to make such provisions in the modalities and

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Sethi Singh D.P.

Sd/- [Signature] [Signature]

19/7/2018  
350

guidelines and notification dated 11.05.2016 for grant of appropriate time to such stone crushers for sufficient to a site meeting the prescribed siting parameters.

**Agenda item No. 5**

**Regarding finalizing the modalities for closure action under Water Act, 1974 & Air Act, 1981 (Agenda deferred from previous meeting, proceedings circulated vide TOL dated 30.03.2018).**

The above said agenda item received from EE (HQ) regarding the revision of performas of spot inspection report, show cause notices, recommendations of closure order, suspension of closure order etc. which has been deferred from previous meeting as per proceedings circulated vide TOL dated 30.03.2018.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that IT Cell will add the performas in the software of OCCMS under development.

**Agenda item No. 6**

**For enhancing waste water quality through Bio-remediation at 9 MLD at STP Palwal (Agenda deferred from previous meeting, proceedings circulated vide TOL dated 16.01.2018).**

The above said agenda item received from EE (HQ) dealing with the water cell regarding enhancing waste water quality through Bio-remediation at 9 MLD at STP Palwal in reference to PHED Memo dated 06.10.2017 to prepare the RFP for enhancing waste water quality.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that the agenda item may be dropped as there is no such provision to provide such assistance.

**Agenda item No. 7**

**Procedure regarding closure of Piggery Farm (Agenda deferred from previous meeting, proceedings circulated vide TOL dated 26.07.2018).**

The above said agenda item has been received from Sr.EE-II (HQ) for framing the procedure regarding closure of Piggery Farms under Water Act, 1974/Air Act, 1981 including guidelines for siting and other requirements.

The matter was discussed in the meeting and after detail deliberation, the committee is of the opinion that branch incharge dealing with the subject matter will prepare draft procedure closure of Piggery Farm after consulting websites of other state pollution Boards and same will be discussed in next meeting of TAC.

*W*

*Satish Singh J.P.*

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*rsaw*  
*[Signature]*


19/8/2019

**Additional Agenda item No. 1**

**Regarding Pyro Oil from the waste tyre Pyrolysis plants.**

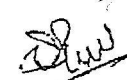
The above said agenda item has been received from Publicity Cell with reference to CM window complaint no. CMOFF/N/2018/029368 dated 16.03.2018 regarding the oil generated from tyre Pyrolysis plants used as furnace oil as a fuel in furnaces.


The matter was discussed and after detail deliberation, the committee opinion that the branch incharge dealing with the general issue of tyre Pyrolysis plant will intimate the status of study to be carried out in this regard.

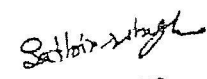
  
(Vikas Chand)  
AEE (HQ)

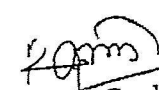
  
(R.K. Bhosle)  
RO Panchkula

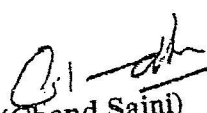
  
(Nitin Mehta)  
EE-IT(HQ)

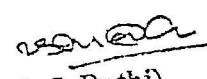
  
(Virender Punia)  
EE-(HQ)  
Special Invitee

  
(Nirmal Kumar)  
EE-(HQ)  
Special Invitee

  
(Satbir Singh)  
District Attorney

  
(Rajesh Garhia)  
Sc. /C' (HQ)

  
(Chand Saini)  
Sr. E.E.-II (HQ)

  
(S. S. Rathi)  
Sr. E.E.-I (HQ)



15/9/210  
Annexure - C

GOVERNMENT OF HARYANA  
DEPARTMENT OF ENVIRONMENT

ORDER

NO. 16/75/2007-3 Env. DATED 23-6-2016

**Sub:** Modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers.

Whereas the Government of Haryana has come up with a fresh Notification bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11<sup>th</sup> May 2016, which supersedes all the other Notifications, amendments thereto, instructions issued there under, etc. and renders ineffective any other dispensations, concessions, relaxations, etc. availed either at the strength of the clarifications, interpretations, etc. issued by the Government/Board/Any other competent authority on the subject matter of the said Notification;

And, whereas now pertaining to all matters that have been dealt with/provided for in the said Notification dated 11<sup>th</sup> May, 2016, it shall be the provisions of the said Notification with the situations as obtained, including as obtained on ground, as on 11<sup>th</sup> May 2016 (unless those parameters are further revised or amended in times to come) would operate in determining as to whether the subject matter of the Notification dated 11<sup>th</sup> May 2016, i.e. the Stone Crushing Units in Haryana, conform to the parameters laid down in the Notification dated 11<sup>th</sup> May, 2016 or not;

And, whereas the Notification dated 11<sup>th</sup> May, 2016 also prescribes a lawful means to all such Stone Crushing Units which were rendered non-conforming any time in the past or would be rendered non-conforming now as a consequence of fresh parameters as prescribed in the said Notification or change in ground/other relevant conditions over a period of time, by affording them to shift to a conforming location within the prescribed timeframe while adhering to the prescribed formalities;

And, whereas for the duration so prescribed for shifting, they have been permitted to continue to operate from the existing location as on 11<sup>th</sup> May 2016, while, of course, observing the time frame and other stipulations prescribed either in the Notification or otherwise;

Therefore, now it has become imperative to articulate and lay down the road map and necessary compliances required to be adhered to by the Stone Crushing Units for transition from the pre Notification dated 11<sup>th</sup> May, 2016 era to post Notification dated 11<sup>th</sup> May, 2016 era. Following are the said required compliances/conditions/modalities, etc. that are required to be adhered to in this regard:

1. Those stone crushing units, which are either 'located or proposed to be established after the date of Notification i.e., 11<sup>th</sup> May 2016, within the notified approved crusher zones and their extension', would be allowed to establish/continue their



operations without insisting on the compliance/promise to comply with the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11<sup>th</sup> May 2016). However, their establishment/operation would be subject to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11<sup>th</sup> May 2016. The Units that are proposed to be established in this category will have to obtain prior consent to establish and consent to operate from the Board as per procedure laid down.

**Note:** This condition shall be applicable on all such crushing units as well, who happen to fall within the extended portion of notified approved crusher zones, even when such extension was authorized/notified by the competent authority after 11<sup>th</sup> May 2016. However, such dispensation would be available for them only with effect from the date the said extension was so authorized/notified by the competent authority.

2. Those stone crushing units, which are 'proposed to be established in the area outside the existing notified approved crusher zones or their extension' after the date of Notification i.e. 11<sup>th</sup> May 2016, will comply with all the siting norms and other parameters prescribed under this notification in addition to all other legal and statutory requirements, including the requirements articulated and applicable on it in terms of the Notification dated 11<sup>th</sup> May 2016. Such units will obtain prior consent to establish and consent to operate from the Board as per procedure laid down.
3. Those stone crushing units, which were 'established in the area outside the existing notified approved crusher zones or their extension' on a date prior to the date of Notification i.e. 11<sup>th</sup> May 2016, and also meet all the 'Norms for Siting of Stone Crushers in Haryana' as included in the Schedule I of the said Notification dated 11<sup>th</sup> May 2016, would be considered compliant of the siting norms in terms of the Notification dated 11<sup>th</sup> May 2016 and would be subject to usual applicable compliances on them, as per the provisions of the above said notification, other than the siting criteria. They must also possess valid Consent to Operate certification issued by the Board. However, since for the time being, in want of re-authenticated/re-certified/re-verified report available with the authorities determining them to be under this category, and keeping in mind that such a final re-authenticated/re-certified/re-verified report will take some time in being available, as a measure of abundant precaution these units would immediately be allowed to continue their operation, without insisting in advance to establish by way of submitting requisite certification, etc, that they meet all the siting criteria laid down in the Schedule I of the Notification dated 11<sup>th</sup> May, 2016 and thus fall in this category, subject to they also submitting assurance to comply with the stipulated conditions in 'Item Number III' of Schedule

If of the Notification dated 11<sup>th</sup> May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be. Further, the operation of such of units who fail to furnish either the said satisfactory undertaking within the stipulated period of one month counted from the date of issue of this Order as mentioned above or fail to furnish re-authenticated/re-certified/re-verified report to the satisfaction of the concerned Regional Officer that they indeed conform to all siting norms as prescribed in Schedule I of the Notification dated 11<sup>th</sup> May 2016 within the said one month counted from the date of issue of this Order, shall be closed on such an expiry of one month.

4. Those stone crushing units, which are '**established in the area outside the existing notified approved crusher zones or their extension**' on a date prior to the date of Notification i.e. 11<sup>th</sup> May 2016, but fail to meet any/some/all the '**Norms for Siting of Stone Crushers in Haryana**' as included in the Schedule I of the said Notification, but were operational on the date of issue of the above said notification, would be termed as '**Non Complying Units**' in terms of the Notification dated 11<sup>th</sup> May 2016 and, accordingly, their operation would be subject to their assurance to comply with the stipulated conditions in '**Item Number III**' of Schedule II of the Notification dated 11<sup>th</sup> May 2016, in the form of an undertaking. Such units would be given a time period of one month counted from the date of issue of this Order to furnish such undertaking in the format as is appended at Annexure-I. Such undertaking would be signed by all the Directors/Partners of the company/firm or, the sole proprietor or by the authorized person of the unit, as the case may be.
5. In case of those stone crushing units, which were '**established in the area outside the existing notified approved crusher zones or their extension**' on a date prior to the date of Notification i.e. 11<sup>th</sup> May 2016, but fails to meet any/some/all the '**Norms for Siting of Stone Crushers in Haryana**' as included in the Schedule I of the said Notification dated 11<sup>th</sup> May 2016, and were not operational (closed) on the date of Notification i.e. 11<sup>th</sup> May 2016 due to any reason, but at any/sometime in past were validly operational/operating after obtaining the Consent to Operate would be termed as '**Closed Non Compliant Units**'. In these cases, the units would be required to first voluntarily submit the proof of the said '**validly operating in past**' condition by way of submitting the certified copy of NOC/Consent to Operate issued by the Board in past based on which they were validly operating in past, to the concerned Regional Officer of the Board. On receipt of such a valid proof such unit would be specifically asked, by way of issuing a letter to this effect (by the concerned Regional Officer) affording it a time period of one month counted from the date of

issue of the letter, to furnish such undertaking, in the format as is appended at Annexure-1. Such undertaking would be signed by all the Directors/Partners of the company/firm or the sole proprietor or by the authorized person of the unit as the case may be. It would be made clear to them that failure to adhere to the stipulations as included in the condition in 'Item Number III' of Schedule II of the Notification dated 11<sup>th</sup> May 2016 and/or the failure to comply with the assurance made by way of the said undertaking would attract automatic closure with or without any prior notice on the expiry of the grace period(s) as flowing out of the condition in 'Item Number III' of Schedule II of the Notification dated 11<sup>th</sup> May, 2016. In the event of such undertaking being furnished to the satisfaction of the concerned Regional Officer, the concerned Regional Officer shall, from the date the said undertaking is so received by him, permit, subject to the condition that for commencing operation, they must either possess or obtain afresh valid Consent to Operate, the said Unit to start operation in such cases where the Unit was closed either voluntarily or due to reasons other than closure order. However, in such cases where the Units have closed their operation as a consequence of Closure Order issued by the Board, the Regional Officer will recommend the case to the Board for suspension of Closure Order. Such suspension Order shall be entertained by the Board or any other officer of the Board so authorized in that regard for suspending the Closure Order subject to the condition that deficiencies, if any, in the emission norms would be rectified by them within a period of three months counted from the date of issue of such suspension of closure order.

6. For all the stone crushing units, falling outside the notified existing crusher zones, whether operational or closed, the distances of the location of stone crushers from various prescribed locations as included in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11<sup>th</sup> May 2016) as appearing in the Column 2 thereof shall be re-certified/re-verified in terms of the entry appearing at serial (vi) of the directions additionally given under the said Schedule I of the said Notification. The actual distances obtained in case of any stone crushing unit, falling in this category as included in the criteria prescribed in the Table of 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11<sup>th</sup> May 2016) as appearing against S Nos. 3, 4, 5 and 6 shall be authenticated/re-certified/re-verified by the concerned Tehsildar and as appearing against serial Nos. 7, 8 and 11 shall be authenticated/re-certified/re-verified by the concerned Divisional Forest Officer. Rest of the distances as appearing in the 'Norms for Siting of Crushers in Haryana' (in Schedule I of the Notification dated 11<sup>th</sup> May 2016) as appearing in the Column 2 shall be authenticated/re-certified/re-verified by the concerned Regional Officer of the Board. It would be incumbent on all the stone crushing unit in question, falling in category covered in para: 3, 4 or 5 above, to get the relevant distances

authenticated/re-certified/re-verified from the concerned Tehsildar/Divisional Forest Officer and submit such authenticated/re-certified/re-verified documents to the concerned Regional Officer of the Board within a period of four months counted from the date of issue of this Order. Based on such re-authentication/re-certification/re-verification, the concern Regional Officer would finally determine as to in which category the Stone Crushing Unit actually falls. Failure to submit certified actual distances pertaining to the siting norms as included in Schedule I with the Regional Officer enabling him to determine as to in which category the Stone Crushing Unit actually falls, would result in automatic closure of the said unit on the expiry of the said four month on the ground of non-complying with the lawful direction.

7. In order to enforce uniformity in application (as there could be a possibility that some Unit may be holding Consent to Operate issued prior to the date of Notification dated 11<sup>th</sup> May, 2016 and having validity beyond the said date i.e. 11<sup>th</sup> May, 2016 and, at the same time, fail to meet the siting norms prescribed in the Notification dated 11<sup>th</sup> May 2016 requiring them as well to undergo the time bound compliances as envisaged in the Notification dated 11<sup>th</sup> May) the Consent to Operate issued in favour of all the operating units shall be reviewed and modified according to the requirement till 10<sup>th</sup> May 2019, in view of the mandatory compliances as prescribed in the Notification, and the same should be replaced/fresh Consent to Operate shall be granted. The first such Consent to Operate (provisional) (either replacing the existing one or granted afresh) to eligible units will be granted up to 10<sup>th</sup> May 2019 i.e. three years counted from the date of above said notification dated 11<sup>th</sup> May 2016. To such of the units that acquires/procures suitable land within the said period (on or before 10<sup>th</sup> May 2019), a second Consent to Operate (provisional) would be given for a duration up to 10<sup>th</sup> May 2020. Once the Unit is successfully shifted in the stipulated time and manner as prescribed in the Notification dated 11<sup>th</sup> May 2020, subsequent Consent to Operate would be granted as per the provisions applicable. This modification of Consent to Operate shall, however, not be attracted in cases where the Unit is either exempted from the application of siting norms as included in the Schedule I of the Notification or conforms thereto. In case it conforms to the prescribed norms in Schedule I of the Notification dated 11<sup>th</sup> May 2016 before seeking exemption from modification, the Unit shall have to establish, by furnishing authenticated/re-certified/re-verified documents issued/authenticated by competent authority to the concerned Regional Officer of the Board.
8. The operations of stone crushing units shall be subject to all the other provisions/stipulations included in the Notification dated 11<sup>th</sup> May 2016 and also to any/all the relevant provisions of laws/rules framed there under/notifications, etc, as are attracted to such operations. The consent to operate to such eligible crushing units will be granted for 4 years counting from the date of above said notification dated

- 11.05.2016 subject to they fulfilling other obligatory compliances and, accordingly, a mandatory review after 03 years counted from the date of Notification i.e. 11<sup>th</sup> May, 2016 in terms of item no. III under schedule-II of this notification shall be undertaken.
9. The benefit of item no. III under Schedule-II of this notification regarding allowing the operation, will be given only to those stone crushing units which were operational, with valid consent of the Board, at any time after issue of the previous notification dated 18.12.1997 superseded under the above said notification. However, it is further clarified that as provided under Sr. No. (iii) of Schedule I, no Stone Crushing Unit will be allowed to be set up or operate outside the identified crushing zones or its extension in Faridabad and Palwal Districts.
10. To remove the possibilities of any doubt that may persist in this regard, the implication of the benefit of item no. III under Schedule-II of the Notification dated 11<sup>th</sup> May, 2016 is being further clarified hereunder:
- i. It is applicable on all Stone Crushing Units which, on the date of issuance of Notification dated 11<sup>th</sup> May, 2016, fail to meet the siting criteria as included in the Schedule I of the said Notification.
  - ii. The provision requires such of the units as are described in (i) above, to shift, in a phased manner to any location that conforms in terms of the siting criteria laid down in the Schedule I of the said Notification.
  - iii. For doing so, they will be allowed to continue to operate, but while doing so, in the First Phase, they shall, either procure land for such a shifting within any identified Crushing Zone (notified by the Government) or procure suitable piece of land for the said purpose at location that conforms to the siting norms as notified under Schedule I of the Notification dated 11<sup>th</sup> May within three years counted from the date of Notification i.e. 11<sup>th</sup> May, 2016 that happens to be any date on or before 10<sup>th</sup> May, 2019. Failure to procure the land at such location within such period of three years would result in closure of operation of such defaulting Stone Crushing Unit on this count alone.
  - iv. After so procuring such land, the Stone Crushing Unit shall apply to the Haryana Pollution Control Board for shifting the Unit.
  - v. After assessing the proposal, the Haryana Pollution Control Board would take an appropriate view on the same, and, in the event the proposal of shifting is approved, the Stone Crushing Unit shall further be afforded one year of time counted from 11<sup>th</sup> May, 2019 i.e. up to 10<sup>th</sup> May, 2020 to complete the shifting. In such circumstances, and irrespective of whether the process of shifting is completed or not, on the said 10<sup>th</sup> May, 2020, the Stone Crushing Unit shall either voluntarily close its operation from the existing site or the Pollution Control Board shall get the operations closed. However, if the process of shifting is completed and the operations are commenced by the Stone

Crushing Unit on a date earlier than the said 10<sup>th</sup> May, 2020, the operation at the existing site not meeting the siting norms shall cease to operate on the date on which operation on the new site commences on such a date prior to 10<sup>th</sup> May, 2020.

11. In the event of any difficulty is faced/clarification is needed/interpretation is required/etc, in giving effect to the intent of this Order, the matter shall be referred to the Government of Haryana in the Department of Environment seeking clarification/interpretation/guidelines/etc, and such clarification or guidelines issued by them shall be followed while overcoming the difficulty.

S.N. Roy, I.A.S.

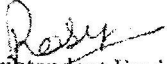
Principal Secretary to the Government of Haryana,  
Department of Environment

Dated: 23-6-2016.

Ends. No. 16/75/2007-3 Env.

A copy each is forwarded to the following for information and further necessary action with a request to upload the same on their official web-site at the earliest.

- ✓ 1. Chairman, Haryana Pollution Control Board, C-11, Sector: 6, Panchkula.
2. Director General, Environment Department, Chandigarh.

  
Superintendent Environment  
for Principal Secretary to the Government of Haryana,  
Department of Environment

23/6

Annexure IPro formaUndertaking

(To be submitted by the Owner/Proprietor of a Stone Crushing unit which are required to furnish Undertaking in terms of Order ----- dated ----- issued by way of laying down modalities/guidelines for implementation of notifications dated 11.05.2016 for the stone crushers bearing No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 on Rs. 100/- Non Judicial Bond Paper)

1. I/We \_\_\_\_\_ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) is/are the owner/proprietor of \_\_\_\_\_ (Name of the Stone Crushing Unit) established in \_\_\_\_\_ (Details of area where Stone Crushing unit is located).
2. I/We \_\_\_\_\_ undertake to abide by all the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, other relevant laws and rules framed there under and Notifications issued there under including Notification No. S.O.12/C.A.29/1986/Ss.5&7/2016 dated 11.05.2016 notified by Environment Department of Government. of Haryana.
3. The \_\_\_\_\_ (Name of the Stone Crushing unit) is complying with the Emission Norms and Pollution Control Measures Requirement Norms / would comply Emission Norms and Pollution Control Measures Requirement Norms in case it is permitted to resume its operation.
4. The \_\_\_\_\_ (Name of the Stone Crushing unit) is not meeting the prescribed siting parameters as per Schedule-I of Notification Dated 11.05.2016 at present/assumes that it is meeting the said siting parameter but is unable to establish its claim by way of submitting certified proof of doing so in terms of Notification dated 11<sup>th</sup> May, 2016 due to paucity of time.
5. I/We \_\_\_\_\_ do hereby undertake that if my/our operations are allowed to be continued/resumed after obtaining Consent to Operate and the Unit is not meeting the prescribe siting norms as per the Notification, I/We shall be shifting our Unit to a site meeting the siting norms as per the provisions of the Notification dated 11<sup>th</sup> May 2016 for which suitable land shall be procured by me/us within three year from the date of issuance of the said Notification i.e. on or before 10<sup>th</sup> May 2019 and, as soon as the land is so procured in terms of the Notification for the purpose of shifting our Unit, we shall notify to the Regional Officer of the Board of the said procurement along with sufficient proof. We further undertake that failure on our part to procure the said land in said circumstances for the said purpose and failure to notify the Regional Officer of the Board in the said manner on any date on or before 10<sup>th</sup> May 2019 will render the continuance of our operation impermissible and our unit shall either be closed by us voluntarily or the Haryana State Pollution Control Board shall be at liberty to close it down.
6. I/We \_\_\_\_\_ do hereby further undertake that on submission of the proof of procuring the land as mentioned in the above para and on obtaining the acknowledgement of the same in form of the permission to go ahead for shifting as issued by the concerned

Regional Officer of the Pollution Control Board, we shall, within the further extendable period of one year counted from 11<sup>th</sup> May 2019 i.e. on or before 10<sup>th</sup> May 2020, completely shift the said Stone Crushing Unit to such of the land procured by me/us that meets all the siting norms laid down in Notification dated 11<sup>th</sup> May 2016. As a consequence, the operations at the existing site shall completely cease on or before such shifting is completed, but in all cases on before 10<sup>th</sup> May 2020. The concerned Regional Officer of the Pollution Control Board shall be notified of the shifting and consequent closure on the existing site, failing which, the Regional Officer of the Pollution Control Board shall be at liberty to close down the operation at existing site on or after 10<sup>th</sup> May 2020 irrespective of whether the said shifting is completed or not.

7. I/We \_\_\_\_\_ further undertake, that failing to comply with any of the assurances made in para (5) and para (6) above within the respective time frame, I/We shall either voluntarily close my/our operations/crushing unit or, the Haryana State Pollution Control Board (or any other its officer authorized by it on that behalf) shall have the liberty to cause the operations to be closed either on or after 10<sup>th</sup> May 2019 or, as the case may be, on or after 10<sup>th</sup> May 2020, depending up on the respective default.
8. I/We \_\_\_\_\_ (Name of the Owner/s, Proprietor of the Stone Crushing Unit) further undertake that the Haryana State Pollution Control Board or any other officer authorized by it on its behalf shall be at liberty to review my/our consent to operate any time during the said period and may, if any component of our operations are found to be deficient, shall be at liberty to revoke the consent to operate.

Date :

Signature/s

(With full address of the Owner/s/Proprietor/s)

Place :

Attested by Notary



Agenda: 183. 20 (5)

Apprenticeship Training in Haryana State  
Pollution Control Board

In the matter it is submitted the RO meeting dated 09.01.2019 was held under the Chairmanship of Hon'ble Minister of Environment and matter related to Board's social and environmental responsibility to develop the prospective/quality graduates in the field of Environment in the interest of environment and society, was discussed. It was further discussed regarding the shortage of man power in the field considering the various environmental activities entrusted on the Board which has been further intensified by the directions of the Courts/NGT/EPCA and implementation of various action plans such as Yamuna/Ghaggar Action Plan and Clean Air Action Plan. It has been rightly advised by the Hon'ble Minister to conduct the Apprenticeship training in the Board for the Graduates/Post Graduates from the Field of Environment/Chemistry which will not only develop the prospective/quality graduates for the society/environment but also help the Board to combat with the shortage of technical staff in the Fields.

The National Apprenticeship Promotion Scheme (NAPS) and the revised guidelines for implementation of the National Apprenticeship Promotion Scheme, allows the apprenticeship of one year for engineering graduates and non-engineering graduates. The Apprenticeship training consist of basic training and on the job training/practical training at the work place in the industry and graduates apprentice who are graduates in engineering or non engineering courses are also included in the apprenticeship. The employer can engage apprentices in the band of 2.5% to 10% of the total strength of the establishment. The duration of the apprenticeship prescribed for graduates is 03 to 12 months. Under the NAPS option is given to the employer to design their own courses relevant to their requirement.

The apprenticeship programme of one year for engineering graduates/non engineering graduates suits the training programme which board can offer under NAPS. The existing staff strength of the Board (Sanctioned Posts) is 301 and so Board can give training to maximum 30 Apprentices.

The Board is presently having 12 nos. Regional Offices and 02 nos. Apprentices in each Regional Office for the Apprenticeship programme of 01 year can be inducted.

The proposal as under for Apprenticeship in the Board for engineering graduates/non-engineering graduates is placed before the Board for approval please.

Sl. No.	Field/Trades	Qualification	Proposed Nos. of candidates for Apprenticeship in 2019-20	Duration of Training	Monthly Stipend
1	Environment	B. Tech Environment or M.Tech Environment	12	1 year	Rs. 25,000
2	Environment/ Chemistry	BSc Chemistry or BSc Environment or MSc Chemistry or MSc Environment or Phd Environment	12	1 year	Rs. 25,000

Ref:

Date:

**APPRENTICESHIP TRAINING IN Haryana State Pollution Control Board**

Haryana State Pollution Control Board, is inviting applications for Apprenticeship Training Program for the year 2019-2020 from Degree holder candidates. During the period of Apprenticeship the candidates are governed by Apprentices Act 1961 and commensurate policies/rules of the organization.

**A. Graduate Engineers/ Graduates**

Sl. No.	Field/Trades	Qualification	Proposed Nos. of candidates for Apprenticeship in 2019-20	Duration of Training	Monthly Stipend
1	Environment	B. Tech Environment or M.Tech Environment	12	1 year	Rs. 25,000
2	Environment/ Chemistry	BSc Chemistry or BSc Environment or MSc Chemistry or MSc Environment or Phd Environment	12	1 year	Rs. 25,000

1. **Mode of Selection:**

Selection will be purely on the basis of academic record

2. **Eligibility Criteria:**

Only Indian nationals are eligible

Candidates acquired desired qualification before 01.01.2019 only are eligible

Candidates having passed marks in the qualifying degree 65 % & above are only eligible

The Candidates having passed marks in 10<sup>th</sup> and 12<sup>th</sup> Exam 60% and above are only eligible.

Age limit: Maximum Age 30 years on 01.01.2019

3. **Selection Criteria:**

Score counted for 10<sup>th</sup> Certificate----- Marks in percentage  
10

Score counted for 12<sup>th</sup> Certificate----- Marks in percentage  
10

Score counted for Graduate Degree ----- Marks in percentage  
10

The candidates will be selected for apprenticeship purely on the basis of merit by counting the total score of marks obtained in 10<sup>th</sup>, 12<sup>th</sup> and Graduate Degree as mentioned above and in case of tie for any candidates the decision will be taken by selection committee considering higher qualification, Grading of University/Institution or any other criteria as per wish of the selection committee.

The selected candidate shall sign the contract of apprenticeship with the Board.

4. **General Details:**

Candidates, who fulfill all the above conditions, can only apply.

Last date for receipt application is \_\_\_\_\_

The candidates should not have completed or undergoing apprenticeship training in other organization.

Apprenticeship Training Programme (01 Year)

Sr. no.	Programme	Period
1.	Induction Technical Training (Academic Training regarding Environmental Laws i.e., Environment Protection Act, Water Act, Air Act and various Rules notified under EP Act)	First 02 Weeks
2.	Induction Practical Training (Stack Monitoring, Water Monitoring, Noise Monitoring, Ambient Air Quality Monitoring, River/Drain Monitoring, various aspects regarding industrial inspections)	02 Weeks
3.	Induction in the Field Offices for Apprenticeship	For rest of the period of 01 year