

**ORDER UNDER SECTION 144 OF CR.P.C., 1973 AND UNDER RULE 127 & 128 OF THE EXPLOSIVE RULES, 2008**

Whereas, it has been made to appear to me that there is very likelihood of break of fire, increase in noise and pollution levels and disturbance of peace and tranquility, injury to the persons lawfully employed on duty and to the common people due to use of fire crackers if not used as per the norms and guidelines/orders of Hon'ble Supreme Court of India in its order dated 23-10-2018 in Writ Petition (Civil) No. 728 of 2015 on the occasion of festival of Diwali and ;

Whereas, in various interlocutory applications filed in Writ Petition (Civil) seeking impediment, intervention, directions, modification, etc. and after considering all aspects of arguments, the Hon'ble Apex Court has now given specific directions in IA No. 6 and 8 of 2016 and related IA in Writ Petition (Civil) No. 728 of 2015, in its orders passed on dated 23-10-2018, which are reproduced as under :-

**Para 42**

- (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 Aluminium content, and shall submit its report in respect thereof within a period of two weeks from today. For undertaking this exercise, PESO would also associate FRDC.*
- (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) Directions 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 event 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 fire cracking 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 predestinated 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 fire cracking 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 fire cracking. 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.



Now, therefore, in the wake of orders dated 23-10-2018 passed by Hon'ble Apex Court in said Writ Petition (Civil) and to tackle the gravity of pollution which occurs due to bursting of firecrackers during forthcoming Diwali in October, 2019, on other religious festivals of any religion and other occasions like marriages, etc., and whereas powers are vested in me by virtue of rule 127 & 128 of Explosives Rules, 2008 and under section 144 of Cr.P.C., 1973, I, R.S Verma, IAS, District Magistrate, Rohtak, as a measure of precaution and for the maintenance of public peace and to prevent damage to human life, health and property and also to curb upon air pollution, **do hereby pass following prohibitory orders within jurisdiction of District Rohtak with immediate effect:-**

- 1 No crackers other than the one having reduced emission (improved crackers) and green crackers shall be sold and bursted. Those crackers which have already been produced, but do not fulfill the criteria required in respect of Reduced Emission firecrackers (improved crackers and green crackers) shall not be possessed/sold/used. There would be complete ban on such category of firecrackers.
- 2 Only those fireworks consisting chemicals as permitted by PESO will be possessed/sold/used. No fireworks containing compounds of Lithium/Arsenic /Antimony/Lead/Mercury will be possessed/sold/used. The PESO shall have full liberty to check the quality of fireworks sold. In addition, possession/sale/use of fireworks containing strontium chromate is also prohibited.
- 3 There shall be prohibition on sale and use of joined firecrackers (series crackers or laris).
- 4 No sale of crackers other than by licensed traders shall be permitted. Only those firecrackers shall be sold, which are containing permitted chemicals as decided by the PESO as directed by the order of Hon'ble Apex Court.
- 5 Online sales and procurement of firecrackers by e-commerce websites, including Flipkart, Amazon etc., shall be an offence and would amount to contempt of Court.
- 6 Barium salts in the fireworks is also hereby banned.
- 7 No crackers, other than those, whose decibel (sound) level are within the limits, shall be possessed/sold/used. Directions issued and restrictions imposed in the order passed by Hon'ble Apex Court on July 18, 2005 in Noise Pollution (V) shall be complied with strictly.
- 8 No fireworks will be bursted in the silence zones i.e. an area atleast 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.
- 9 There shall be complete ban on import of fireworks.
- 10 The District Education Officer and all the heads of educational institutes including Colleges, technical institutes and universities shall sensitize and educate the students on the health hazards and ill-effects of breathing polluted air including the air that is polluted by fireworks and they should be motivated to avoid/use restrictively the firework as a part of festivity.
- 11 The Civil Surgeon, Rohtak would issue advisory cautioning people about the health hazards of bursting fireworks. He should take the cooperation and assistance of IMA in this regard.
- 12 Each license holder in Form LE-5 shall have to disclose about the stock available with him and the category of firecracker i.e. green or otherwise and would be permitted to sell the firecracker as indicated at Sr. No. 1 above otherwise he shall have to comply condition No. 11 of the order passed by Hon'ble Supreme Court dated 12-9-2017.
- 13 On Diwali festival green crackers shall be bursted **from 8:00 PM to 10:00 PM only**. S.H.O shall be the executive agency and shall ensure that fireworks take place only during the designated time and at designated places. In case any violation is found, the Station House Officer (SHO) of the Police Station concerned shall be held personally liable for such violation and this would amount to committing contempt of Court, for which such SHO(s) would be proceeded against.
- 14 No person shall sell and store Fireworks and Explosives material at a place located in the market or of human dwelling units other than that specified by the Licensing Authority as per conditions laid down. No sale/storage shall be allowed except at places earmarked and authorized godowns.
- 15 No person shall store more than the quantity as prescribed under the law.
- 16 In order to meet with the emergency or any accident, all Hospitals/Dispensaries and Nursing Homes should be available to injured people.



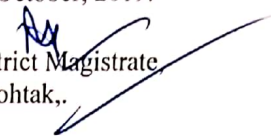
**Important Instructions :-**

If any person is found violating this order, strict action shall be taken under the relevant section of Cr.P.C. 188 and Explosives Act, 1984.

In view of emergent situation and shortage of time, this order is being passed ex-parte and is being addressed to the public in general.

This order shall be promulgated throughout the District Rohtak, by beat of drum, by announcement through the publicity van of the Information & Public Relations Deptt., by fixation of copies of this order on the Notice Board of District Court, Sub-Divisional Courts, all the Colleges & Schools, Health Centres (Govt. and Private), religious places, Tehsil Courts and Public places as well as Police Stations.


Given under my hand and seal of this Court of this day of 11<sup>th</sup> October, 2019.

  
District Magistrate,  
Rohtak,.

Endst.No. 3448-73 /PLA, Dated : 11-10-2019

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

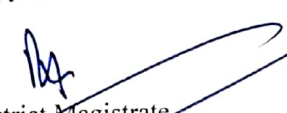
- 1 Chief Secretary to Government, Haryana, Chandigarh.
- 2 Additional Chief Secretary to Government, Haryana, Home Deptt., Chandigarh.
- 3 Director General of Police, Haryana, Chandigarh.
- 4 Commissioner, Rohtak Division, Rohtak.
- 5 District & Sessions Judge, Rohtak,.
- 6 All the District Magistrates in the Haryana State.

  
District Magistrate,  
Rohtak,.

Endst.No. 3474-77 /PLA, Dated : 11-10-2019

A copy is forwarded to the following for information & necessary action. They are requested to download **the orders dated 23-10-2018 from the official website of Hon'ble Supreme Court :-**


- 1 Superintendent of Police, Rohtak, with the request to supply a copy of this order to all DSPs concerned and SHOs also.
- 2 Sub-Divisional Magistrate, Rohtak, Meham and Sampla.

  
District Magistrate,  
Rohtak,.

Endst.No. 3478-3535 /PLA, Dated : 11-10-2019

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

- 1 Additional Deputy Commissioner, Rohtak, -cum- Secretary, RTA, Rohtak,
- 2 City Magistrate, Rohtak,.
- 3 District Revenue Officer, Rohtak,
- 4 District Development & Panchayat Officer, Rohtak.
- 5 Director, PGIMS, Rohtak
- 6 Civil Surgeon, Rohtak.
- 7 Registrar, MDU/Health University/State, Rohtak
- 8 Regional Officer, Pollution Control Board, Bahadurgarh. He is requested to supply a copy of this order to all the SDOs of checking teams also.
- 9 District Education Officer, Rohtak
- 10 District Elementary Education Officer, Rohtak.
- 11 All Tehsildars/Naib Tehsildars of District Rohtak.
- 12 Fire Station Officer, Rohtak.
- 13 Sub Fire Station Officer, Meham.
- 14 All other members of Supervisory/Checking Teams constituted.
- 15 District Information & Public Relations Officer, Rohtak (For giving wide publicity through electronic and print media)
- 16 All license holders for sale of fireworks granted in Form LE-5.

  
District Magistrate,  
Rohtak,.