

ओ०पी० सिंह

आई०पी०एस०

डीजी परिपत्र संख्या-59/2018

पुलिस महानिदेशक,
उत्तर प्रदेश

1-तिलकमार्ग, लखनऊ-226001

दिनांक: अक्टूबर 31, 2018



विषय: रिट याचिका(सिविल) संख्या-728/2015 अर्जुन गोपाल व अन्य बनाम भारत संघ व अन्य में पारित निर्णय दिनांकित 23.10.2018 के अनुपाल के सम्बन्ध में।

प्रिय,

मा० सर्वोच्च न्यायालय द्वारा उपरोक्त रिट याचिका में दीपावली, गुरुपर्व व किसमस आदि त्यौहार के अवसर पर पटाखों को जलाने से होने वाले प्रदूषण तथा हानियों को दृष्टिगत रखते हुये प्रतिबन्धित पटाखों को जलाने तथा जलाने के स्थान व समय के विषय में निर्देश निर्गत किये गये है।

2. मा० सर्वोच्च न्यायालय द्वारा उपरोक्त रिट याचिका में पारित निर्णय के प्रस्तर-42 में दिये गये निर्देश निम्नवत् हैं:-

42. "We are of the opinion that the aforesaid suggestions strive 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 Gurgurab 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 predesignated 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 (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.

3. मा० सर्वोच्च न्यायालय द्वारा निर्गत निर्देशों में से निर्देश संख्या: 42(xiii) तथा 42(xiv) को संपूर्ण भारत में लागू करने के निर्देश दिये गये हैं। निर्देश संख्या: 42(xiv) द्वारा दीपावली, नव वर्ष तथा अन्य पर्वों पर पटाखों के जलाने की समय सीमा नियत की गयी है जिसका कड़ाई से अनुपालन सुनिश्चित किया जाना है। निर्देश संख्या-42(xiii) द्वारा पटाखों के उपयोग से होने वाले दुष्प्रभावों के संबंध में जागरूकता अभियान चलाने का निर्देश भी मा० सर्वोच्च न्यायालय द्वारा दिया गया है।

4. अतः आप सभी को निर्देशित किया जाता है कि पूर्व में पटाखों को नियंत्रित किये जाने हेतु निर्देशों के अतिरिक्त मा० सर्वोच्च न्यायालय द्वारा उपरोक्त सन्दर्भित निर्णय में निर्गत निर्देशों के उपरोक्त रेखांकित अंशों का भी भलीभाँति अध्ययन कर इसके अनुपालन हेतु प्रभावी कार्यवाही करना सुनिश्चित करें।

भवदीय,

(ओ०पी० सिंह)

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, प्रभारी जनपद
उत्तर प्रदेश।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. समस्त जोनल अपर पुलिस महानिदेशक/पुलिस महानिरीक्षक, उ०प्र०।
2. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/उपमहानिरीक्षक, उ०प्र०।