

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****IA NOS. 155697, 155828, 156484, 156704, 157066****AND****156999 OF 2018****IN****WRIT PETITION (CIVIL) NO. 728 OF 2015**

ARJUN GOPAL AND OTHERSPETITIONERS(S)

VERSUS

UNION OF INDIA AND OTHERSRESPONDENT(S)

ORDER**A. K. SIKRI, J.**

I.A. Nos. 155828, 156704 and 156484 of 2018 are filed on behalf of respondent No.7, respondent Nos.8 to 75 and respondent No. 80 respectively. These respondents are Associations of fireworks manufacturers and/or traders who are selling firecrackers. They have sought modification and clarifications of order dated October 23, 2018 passed by this Court in certain I.As., dealing with the issue of burning of firecrackers during *Diwali* and other festivals/occasions etc. Number of directions are given in the said order. A conjoint reading of these applications shows that the applicants are seeking modifications in

respect of direction Nos. (i), (ii), (iii), (vi), (viii), (xiv) and (xv). After hearing the counsel for the parties, we are inclined to give following clarifications:

- (a) Henceforth, production of crackers with reduced emission (improved crackers and green crackers) is permitted, as already directed in order dated October 23, 2018. It would also mean that barium salts in the manufacture of firecrackers will not be used.
- (b) In direction No. (ii) where sale of crackers other than reduced emission is banned, it is clarified that this sale is banned in Delhi and NCR. Thus, direction No. (viii) would continue to operate. In other areas, the crackers which have already been produced would be allowed to be sold for this Diwali and other festivals and occasions.
- (c) Insofar as Direction No. (xiv) is concerned, in respect of Tamil Nadu and Union Territory of Puducherry and other Southern States are concerned, this Court has already modified the said direction vide order dated 30.10.2018. We further clarify that on the occasion of GURPURAB also, fireworks shall be allowed for one hour in the morning i.e. 4:00 a.m. to 5:00 a.m. and one hour in the evening i.e. 9:00 p.m. to 10:00 p.m.

- (2) It is also clarified that pan India directions pertain to:
- (a) Community fire cracking. Here, direction is to explore the feasibility of community fire works.
 - (b) Duration within which fireworks can take place i.e. for two hours as contained in direction No. (xiv) and modified vide order dated October 30, 2018 as well as this order. This also is applicable throughout India.
 - (c) Direction No. (xiii) which deals with extensive public awareness campaign also applies throughout India.
 - (d) In addition, direction regarding production of crackers with reduced emission, restraining e-commerce websites for selling firecrackers, also applies throughout India.
 - (e) Likewise, the aforesaid pan India directions will be enforced by the police authorities and, thus, direction No. (xvi) to police shall also be applicable throughout India.
 - (f) Direction No. (xvii) which is regarding the effect of pollution of all categories is also applicable to all the States.

We make it clear that apart from the above, no other modification is carried out in order dated October 23, 2018.

Insofar as Barium salts in fireworks is concerned, which is banned as per direction No. (vi), the Petroleum and Explosives Safety

Organization ("PESO") has filed an affidavit which is taken on record.

I.A. No. 157066 of 2018 for impleadment is allowed.

In view of the orders passed in the aforesaid I.As., no further orders are necessary in I.A. No. 155697 of 2018 filed by the applicants/petitioners and I.A. No.156999 of 2018 filed by Mr. Balwinder Singh Bagga.

The Interlocutory Applications stand disposed of as indicated above.

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

.....J.
(ASHOK BHUSHAN)

**NEW DELHI;
OCTOBER 31, 2018.**

ITEM NO.12

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 728/2015

ARJUN GOPAL & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(ONLY I.A. NO. 155697/2018 TO BE LISTED)

Date : 31-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
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Ms. Valarmathi S., Adv.

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Mr. S. Manuraj, Adv.

Mr. Praveen Vignesh, Adv.

Mr. Fuzail Ahmad Ayyubi, AOR

Ms. Aditi Gupta, Adv.

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

I.A. No. 157066/2018 in Writ Petition (C) No. 728/2015 for
impleadment is allowed.

I.A. Nos. 155697/2018, 155828/2018, 156484/2018, 156704/2018,
and 156999/2018 in Writ Petition (C) No. 728/2015 stand disposed of
in terms of the signed Order.

(SUSHIL KUMAR RAKHEJA)
AR-CUM-PS

(RAJINDER KAUR)
BRANCH OFFICER

(Signed order is placed on the file.)