

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 77/2015 (CZ)**

**N.Vaidraj Vs. Union of India & 6 Ors.**

**and**

**Original Application No. 108/2015 (CZ)**

**Shailendra Singh Vs. Union of India & 9 Ors.**

**and**

**Original Application No. 109/2015 (CZ)**

**Hope Welfare Society Vs. State of M.P. & 8 Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**PRESENT :** Applicant: Shri Shrey Raj Saxsena, Advocate  
Respondent Union of India : Shri Om S. Shrivastav, Advocate  
State of MP : Shri Sachin K. Verma, Advocate  
MPPCB: Shri Sachin K. Verma, Advocate for  
Ms. Parul Bhadoria, Advocate  
Dr. S.N. Tiwari  
Respondent No. 6: Shri Ayush Dev Bajpai, Advocate  
State of Chhattisgarh: Shri Shardul Bajpai, Advocate for  
Shri Siddharth Chouhan, Advocate  
RSPCB : Shri Om S. Shrivastav, Advocate for  
Shri Sandeep Singh, Advocate

<b>Date and Remarks</b>	<b>Order of the Tribunal</b>
<b>Order No. 8 15<sup>th</sup> February, 2016</b>	<p>Learned Counsel for the parties have drawn our attention to the judgement of the Hon'ble Supreme Court in the case of <i>Supreme Court Housing Society &amp; Anr. V/s All India Panchayat Parishad &amp; Ors.</i> decided on 18.12.2012 as also to the order of the Supreme Court dated 18.07.2005 in INRE : <i>Noise Pollution V/s Unknown</i> where again the Hon'ble Supreme Court dealt in detail with the issues relating to pollution from the use <i>inter-alia</i> of fire crackers and also recently in the case of <i>Arjun Gopal V/s Union of India</i> in Writ Petition No. 728/2015 dated 16.10.2015 and 28.10.2015. The Petition of <i>Arjun Gopal</i> and others before the Hon'ble Supreme Court is reported to be coming for consideration and hearing on 18.02.2016.</p> <p>Learned Counsel Shri Om S. Shrivastav, appearing for the Union of India has brought to our notice the notification issued by the Government of India, Petroleum Explosive Safety Organisation (PESO) on 07.03.2008 wherein the standards for various kinds of crackers and bombs both of the</p>

crackers and sparklers have been notified. However, in recent order of the Hon'ble Supreme Court in *Arjun Gopal & Ors.* the Hon'ble Supreme Court was informed by the Learned Solicitor General that the Government of India would be issuing appropriate notification in this behalf. The Hon'ble Supreme Court in the Judgement of 18.07.2005 took note of the fact that the definition of Air Pollutant under Section 2(a) of the Air (Prevention & Control of Pollution) Act, 1981 was amended in 1987 by including noise pollution within the definition of air pollutant. While we find from various judgements of the Hon'ble Supreme Court & High Courts which were placed before us that a lot has been said with regard to the decibel levels and the notification also took note of the same. However, the issue with regard to air pollution and the impact of the bursting of the crackers in such large quantity in the limited duration of festivities on the health of affected persons specially those suffering from respiratory disorders also needs to be taken into account.

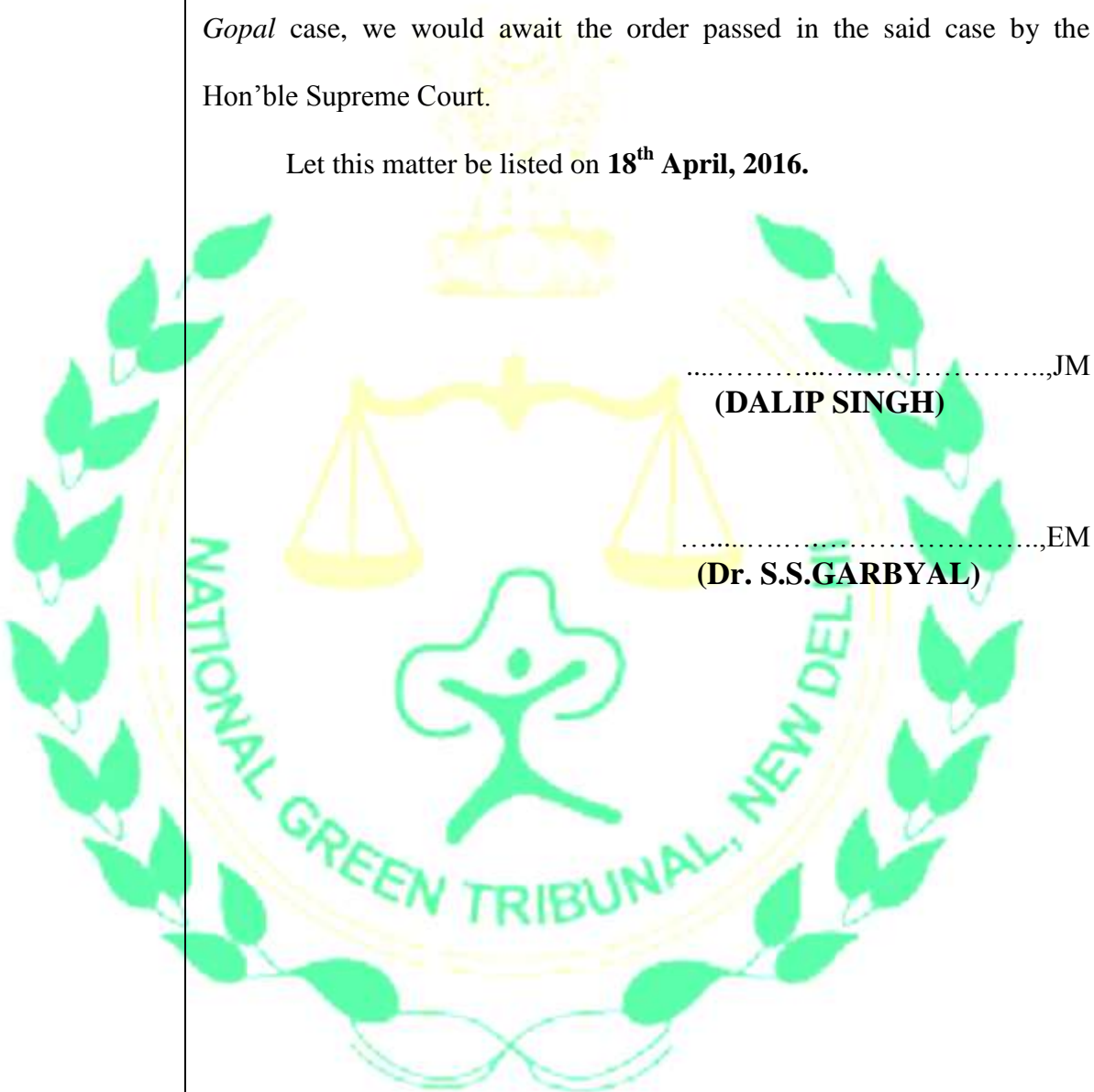
We would therefore, direct the Government of India to specify whether while fixing the contents of various explosive substances and chemicals used in the crackers as specified in their notification and circular dated 07.03.2008 any research or study about possible adverse impact on affected persons including other living creatures has been made particularly when the substances and the chemicals used for explosives also find place in the list of hazardous chemicals and substances and the chemicals under the Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 and Manufacture Storage & Import of Hazardous Chemicals Rules, 1989.

While lot has been said with regard to the noise level and the need to maintain the duration of the bursting of fire crackers it also needs to be considered from the point of view of air ambient quality as the gases produced as a result of explosion of the crackers from the substances notified in the notification of 07.03.2008 by PESO also need to be

examined, particularly in the light of the fact that the number of persons suffering from respiratory disorders and related diseases has been on the increase. The response of the Government of India on the above issue and also from the Ministry of Environment & Climate Change, the CPCB as well as the PCB after detailed study on these issues also needs to be brought on record in consultation with the health authorities.

As the Hon'ble Supreme Court is seized of the matter in *Arjun Gopal* case, we would await the order passed in the said case by the Hon'ble Supreme Court.

Let this matter be listed on **18<sup>th</sup> April, 2016.**



.....JM  
(DALIP SINGH)

.....EM  
(Dr. S.S.GARBYAL)