

ITEM NO.9

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
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AS LAST ITEM IN THE MISCELLANEOUS MATTERS.]
... IN RE: BAN ON USE OF FIRECRACKERS AND IN RE: STUBBLE
BURNING AND (1) IA NOS. 13282 AND 31293/2025 (APPLICATION
FOR INTERVENTION AND APPLICATION FOR DIRECTION ON BEHALF OF
FEDERATION OF FIREWORKS TRADERS) (2) IA NOS. 13733, 37305
AND 37306/2025 (APPLICATION FOR INTERVENTION, APPLICATION
FOR DIRECTION AND APPLICATION FOR EXEMPTION FROM FILING
OFFICIAL ENGLISH TRANSLATION OF THE ANNEXURES ON BEHALF OF
FIREWORKS DEALERS WELFARE ASSOCIATION UTTAR PRADESH) NAME
OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN
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RAHUL KHURANA, MR. DEVANSH SRIVASTAVA, MS. KAJAL DALAL,
ADVOCATES

Date : 03-04-2025 This petition was called on for hearing
today.

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

IN RE: BAN ON USE OF FIRECRACKERS

I.A.No.82796/2025, I.A. No.79679/2025, I.A.No.282141/2024,
I.A.No.31293/2025, I.A.No.13282/2025, I.A. No.13733/2025
and I.A. No.37305/2025

1. We have perused the earlier orders passed by this Court from time to time. Several orders passed by this Court during last six months bring on record the situation which prevails in Delhi due to very high levels of air pollution. Therefore, one of the directions issued by this Court was that there shall be a complete ban in Delhi National Capital Region (NCR) on manufacturing, storage, sale and use of fire crackers. Applications have been made mostly by entities representing traders of fire crackers. There is one application made by one Mr. Mukesh Jain, appearing-in-person who claims to be National President - Dharam Rakshak Shri Dara Sena. We have perused the background note submitted by learned Amicus Curiae. We have also perused the response of the Ministry of Environment, Forest and Climate in the form of affidavit dated 20th March, 2025. Paragraphs 4 to 6 are relevant which read thus:

"4. It is respectfully submitted that the Answering Respondent Ministry along with the concerned Departments i.e. Central Pollution Control Board (CPCB), Council of scientific

and Industrial Research's National Environmental Engineering Research Institute (CSIR-NEERI), and Petroleum and Explosives Safety Organization (PESO) including the Firecrackers Manufacturers has been continuously pursuing the activities required for implementing and monitoring of the Green Crackers given the orders passed by this Hon'ble Court in the matter W.P. (Civil) No.728 of 2015, Arjun Gopal vs. UOI & Ors. and in compliance of various commitments made by the Answering Respondent Ministry.

5. It is respectfully submitted that in an affidavit dated August 4, 2023 in the matter WP (Civil) No.728 of 2015, the Answering Respondent mentioned its efforts to transform the previously regulated fireworks into a law abiding industry. The Ministry emphasized research and development conducted in collaboration with the CSIR-NEERI, leading to the development of improved formulations for green crackers.

6. It is respectfully submitted that the Answering Respondent Ministry, collaborating with the CSIR-NEERI, the Ministry has developed new formulations for reduced-emission, light and sound-emitting crackers achieving a 30% reduction in particulate matter. Besides the new formulations, the CSIR-NEERI led team along with fireworks manufacturers examined and assessed the possibilities of improvements in conventional formulations based on Barium nitrate to meet the stipulated norms of green crackers."

(underline supplied)

2. A copy of report styled as a report of New Generation Joint Firecrackers jointly submitted by Central Pollution Control Board, Petroleum & Explosives Safety Organization and CSIR - National Environmental Engineering Research

Institute is placed on record. The conclusions are summarized in last two pages. In short, the conclusion is that the emission generated by green crackers is 30% less than the emission generated by conventional firecrackers.

3. In I.A. No.82796 of 2025, reliance is placed on a decision of this Court dated 23rd October, 2018 in the case of *Arjun Gopal & Ors. versus Union of India & Ors.* bearing Writ Petition (C) No.728 of 2015. The submission of the applicants is that after considering the issue of pollution created by firecrackers, the judgment permits use of firecrackers to some extent. Perusal of the judgment shows that the Court has not addressed the peculiar situation created in State of Delhi and NCR, especially in the three to four months when pollution is at its peak. In fact, our orders passed from time to time will show that this direction on ban on use of firecrackers was warranted by the extra ordinary situation created in NCR. The air pollution level remained alarming for a considerably long time. One can imagine the effect of air pollution on the common man as everyone cannot afford to have air purifiers at their residence or place of work. There is a large section of population who works on streets and they are the worst affected by this pollution. They do not have proper houses to stay. This large section of population is worst

affected during those three to four months. After all, right to health is an essential part of Article 21 of the Constitution of India, so is the right to live in a pollution-free atmosphere.

4. All that the report submitted by Union of India indicates is that the harmful substances emitted by green crackers are 30% less than regular firecrackers.

5. Except for party-in-person, the other applicants are people dealing with trade of firecrackers. The ban imposed is limited to Delhi NCR region. Considering the material on record, we feel that ban is absolutely necessary.

6. An argument is made that the ban can be confined to 3 to 4 months of the year. In fact, one of the applicants made a submission that the ban imposed by this Court is not being effectively implemented. Restricting ban for few months will not serve any purpose as firecrackers would be sold throughout the year and they will be stored and used during the ban period.

7. Unless the court is satisfied that the pollution caused by the "so-called Green crackers" is to the bare minimum, there is no question of reconsidering the earlier orders.

8. The traders who have come to the Court are also citizens of India. They are also bound by clause (g) of

Article 51A of the Constitution of India. They are also under an obligation to ensure that Delhi remains pollution free. Therefore, we hope and trust that there will be a change in their approach.

9. Applications are rejected. We make it clear that it is for the manufacturers to improve the so-called product of green crackers. Only if it is scientifically shown that the bursting of so-called green crackers results into bare minimum pollution, there is a possibility of rethinking of the ban imposed under the earlier orders.

10. At this stage, it is pointed out by one of the applicants that situation in Delhi was considered by this Court while dealing with *Arjun Gopal versus Union of India (supra)*. The judgment is of the year 2018. Much water has flown thereafter. Before making this submission, the applicant should have verified what happened in Delhi during last four years.

11. Now we come to application made by Shri Mukesh Jain. Today his application came by way of listed mentioning. In the memo filed seeking listed mentioning and in the Application being I.A. No.282141 of 2024, he has made scandalous allegations against Mr. M.C. Mehta. He has gone to the extent of suggesting that the petitioner was receiving money from some international agencies which have

connections with Naxalites. Personally, we do not know who Mr. M.C. Mehta is. But large number of petitions were filed by this gentleman raising different environmental issues in which orders have been passed by this Court right from the year 1980. In fact, it is only because of exercise undertaken by this Court in the cases filed by Mr. M.C. Mehta that environmental law has evolved in India and has helped the Government and other public institutions to reduce pollution. These include the orders which save Taj Mahal from drastic effects of pollution. Therefore, we deprecate the scandalous allegations made by the applicant against the petitioner. On reading the entire application, we find that the application is not at all *bona fide*. In fact, we it would be fully justified to impose cost on the applicant. We are not doing that as this is the first time that the applicant has indulged in such misconduct. We, however, put the applicant to notice that such reckless allegations may not be tolerated hereafter.

12. For the reasons recorded, I.A. No.282141 of 2024 is dismissed.

13. Delhi and Haryana Governments have implemented the orders of this Court regarding the ban on firecrackers by prohibiting sale of crackers even through online mode. We direct the States of Uttar Pradesh and Rajasthan to do so

and file compliance reports within a period of two weeks from today.

14. We direct all NCR States to create a machinery for effectively implementing the ban on firecrackers. The machinery should ensure that preventive as well as coercive action is taken against the violators.

15. We direct the State Governments to place on record within a period of three weeks from today the machinery which they propose to set up for effectively implementing the firecrackers ban. List on 06th May 2025 at 12 noon.

IN RE: STUBBLE BURNING

16. Now, we deal with issue regarding stubble burning. In terms of our earlier orders, Commission for Air Quality Management (CAQM) has made deliberations with the States of Punjab, Haryana and Uttar Pradesh on the issue of stubble burning. We have perused the report with the assistance of learned Additional Solicitor General. For the time being, we approve the recommendations made by CAQM in its report dated 25th March, 2025. Now CAQM will issue directions in exercise of powers under Section 12 of Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (for short, 'the CAQM Act') and serve

copies thereof on the States and other stake-holders.

17. We direct that the directions which may be issued by the CAQM under Section 12 of the CAQM Act concerning stubble burning shall be implemented by all the NCR States.

18. We direct the States of Punjab, Haryana and Uttar Pradesh to constitute small committees headed by the Chief Secretary of the States to monitor implementation of the directions which may be issued by the CAQM.

19. We direct that Chief Secretaries of States shall submit monthly reports to CAQM starting from 1st June, 2025. The report shall be submitted to CAQM by 10th day of every calendar month. The CAQM is free to seek directions from this Court on the basis of the reports.

20. We direct the State Governments of Punjab, Haryana and Uttar Pradesh to take immediate steps to implement the action plans submitted by them to CAQM. The Committee headed by Chief Secretary shall monitor the implementation of the action plans. While submitting monthly reports, the Chief Secretaries shall also submit the compliances regarding implementation of the action plans.

21. Learned senior counsel representing the State of Punjab has invited our attention to a note submitted today. He has invited our attention to suggestions in paragraphs 28 and 29 regarding crop diversification. He has also

invited our attention to paragraphs 13 to 23 and in particular 24.

22. Learned Amicus Curiae pointed out that large amounts have been collected in ECC Account of Delhi State Government which could be utilized for what is suggested in paragraph 13 of the note submitted by the State of Punjab. The aforesaid suggestions given by the State of Punjab will have to be considered by this Court after hearing all the parties. In the meanwhile, Union of India can respond within a period of two weeks from today. The Delhi Government to place on record the funds so far collected in ECC Account and utilization thereof.

23. For issuing further directions on the aspect of stubble burning, list on 06th May 2025.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)