

From BEO

Mr. Anwar  
to discuss  
29-10-18

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

Whereas, keeping in view the adverse effects of air pollution, the human right to breathe clean air and the human right to health, the Hon'ble Supreme Court of India in IA No. 4 in Writ Petition (Civil) No. 728 of 2015 titled Arjun Gopal and Ors. Vs. Union of India & Ors., passed following orders dated 11-11-2016 :-

*"We thus consider it inappropriate that explosives which are used as fireworks should be available in the market in the NCR till further orders. The mechanism of the law in this regard is clear. Rule 118 of the Explosive Rules, 2008, framed under the Explosives Act, 1884 provides for the manner in which licenses issued under the Explosives Act to store and sell explosives could be suspended or cancelled. Sub-Rule(5) thereof specifically confers on the Central Government a power to suspend or cancel a license if it considers that it is in public interest. This provision also makes it clear that an opportunity to hear the licensee could be dispensed with if the Central Govt. considers that in public interest. This Court finds that the grave air quality situation in NCR is one such case, where this Court, can intervene and suspend the licenses to store and sell fireworks in the NCR. We direct the Central Government to :-*

- (1) Suspend all such licenses as permit sale of fireworks, wholesale and retail within the territory of NCR.
- (2) The suspension shall remain in force till further orders of this Court.
- (3) No such licenses shall be granted or renewed till further orders."

Whereas, the Hon'ble Apex Court, vide its order dated 12-9-2017, passed in IA No. 52448 of 2017 in Writ Petition (Civil) No. 728 of 2015, lifted the stay and permitted the sale of firecrackers in compliance with the Explosives Rules and keeping in view the health of the people in Delhi and in the NCR, issued various guidelines for manufacture, transportation, sale, storage and use of firecrackers.

Whereas, in IA No. 96202 of 2017 filed in abovesaid Writ Petition (Civil) No. 728 of 2015, the Hon'ble Supreme Court of India passed following orders dated 9-10-2017 :-

*"We are of the view that the order suspending the licences should be given one chance to test itself in order to find out as to whether there would be positive effect of this suspension, particularly during Diwali period. Insofar as adverse effects of burning of crackers during Diwali are concerned, those have been witnessed year after year. The air quality deteriorates abysmally and alarmingly and the city chokes thereby. It leads to closing the schools and the authorities are compelled to take various measures on emergent basis, when faced with "health emergency" situation. This very situation had occurred on the very next morning after Diwali in the year 2016. It resulted in passing the order dated November 11, 2016. This order prevailed during the year but the impact and effect of this order remains to be tested on Diwali days. Going by these considerations, we are of the opinion that the judgement dated September 12, 2017 passed by this Court should be made effective only from November 01, 2017. To put it clearly, though we are not tweaking with the various directions contained in the Orders dated September 12, 2017, the effect of that Order would not be given during this Diwali and, therefore, we are making it effective only from November 01, 2017. We are conscious of the fact that after the said order was passed, the police may have issued temporary licences. Accordingly, those are suspended forthwith so that there is no further sale of the crackers in Delhi and NCR. Further orders in this behalf can be passed on assessing the situation that would emerge after this Diwali season."*

Whereas, in the abovesaid Writ Petition (Civil), the Hon'ble Supreme Court of India vide orders dated 15-5-2018 listed the matter on 17-7-2018 and ordered that all the directions contained in the orders dated 12-9-2018 and 9-10-2018 shall be complied with. After passing orders dated 15-5-2018, no further directions issued by Hon'ble Apex Court in said Writ Petition (Civil) have been received.

Whereas, the severe air pollution in the NCR is leading to multiple diseases and other health related issues amongst the people. It has also come to the notice that onset of winter itself deteriorates air quality in this region and it gets aggravated because of festival/marriage season that occurs during these very months.

Whereas, there is apprehension that illegal fireworks of foreign origin may also penetrate in the region and there is an apprehension of entering of these illegal fireworks in District Sonipat extensively during coming Diwali season. It has also come to the notice that these illegal fireworks of foreign origin might be brought in India under false declarations may jeopardize the public safety, posing health hazards, cause tension, annoyance, obstruction or injury to persons, damage to human life and property, disturbance to public peace and tranquility within the urban and rural areas of District Sonipat, as following information have also come to the notice :-

- 1- Fireworks originating from certain countries contain sensitive chemical substances which are not permitted under Indian statute and also do not comply with the Indian Noise Level Standards. Further, in India, firecrackers are mainly used by individuals including children during festivals at residential premises. Hence, the Indian Statutes and Standards on fireworks are stringent to ensure the safe handling and bursting of firecrackers at the user end. The firecrackers imported clandestinely and subsequently being sold from fireworks shops may jeopardize the public safety, besides posing health hazards.
- 2- Fireworks have been declared as restricted item under ITC (HS) 3604-10 by DGFT and PESO has not granted any license for import of fireworks, so far, under Explosives Rules, 2008.

Now, therefore, after considering all these exigencies, in exercise of the powers vested in me by virtue of rule 127 & 128 of Explosives Rules, 2008 and under section 144 of Cr.P.C., 1973, I, Vinay Singh, IAS, District Magistrate, Sonipat, as a measure of precaution and for the maintenance of public peace and to prevent damage to human life, health and property within jurisdiction of Sonipat District and also to curb upon air pollution, **do hereby prohibit sale, in-transportation and off-loading of fireworks/crackers/explosives and entry of imported firecrackers within jurisdiction of District Sonipat with immediate effect.** *The bursting of firecrackers within in the territorial jurisdiction of district Sonipat is also hereby prohibited.*

**Important Instructions :-**

Areawise checking teams of following officers under supervision of officers mentioned in below table are also hereby constituted to ensure implementation of orders dated 12-9-17, 9-10-2017 and 15-5-18 passed by Hon'ble Supreme Court of India in totality and conducting raids and checkings in their respective areas. These officers will ensure that any violation of these orders is dealt with adequate provisions of law (Explosives Act, 1884 and Cr.PC) and if any violation is found made, the same shall immediately be brought to my notice.

Sr. No.	Sub-Division	Supervisory Team	Areawise checking team	
			Area	Officer deputed
1-	Sonipat	1- SDM, Sonipat (9899151062) 2- DSP concerned 3- RO, PCB, Sonipat (9910059555) 4- Fire Stn.Off., Spt (7015642015)	Police Station, City, Sonipat	1- EO, HUDA, Sonipat (9468461232) 2- Tehsildar, Sonipat (9896201072) 3- Ms. Taruna Lamba, ETO, Sonipat (9468090618) 4- SHO, PS, City, Sonipat (8053882317)

				4- SHO, Police Station, Sadar, Sonipat (8053882326)
			Police Station, Civil Line, Sonipat	1- DDPO, Sonipat (9416492277) 2- DMC, Sonipat (9896903283) 3- Sh. Ajit Singh AETO, Sonipat (9416337365) 4- SHO, Police Station, Civil Line, Spt. (8053882322)
			Police Station, Murthal, Sonipat	1- BDPO, Murthal (9315606203) 2- SE, MC, Sonipat – 8930849146) 3- Sh. Aseem Siwach, ETO - 7082411412 4- SHO, Police Station, Murthal (8053882331)
			Police Station, Rai	1- DFSC, Sonipat (9813385877) 2- Naib Tehsildar, Rai (9896173977) 3- Sh. Partap Kundu, ETO - 8607480000 4- SHO, Police Station, Rai (8053882333)
			Police Station, Kundli	1- DRO, Sonipat (9416337797) 2- ALC, Circle-I, Spt. (9416437957) 3- Sh. Satpal Kadyan, ETO, Sonipat (8901475488) 4- SHO, Police Station, Kundli (8053882336)
			Police Station, Mohana	1- GM, Roadways, Sonipat (9812290016) 2- BDPO, Gohana (8053206883) 3- Sh. Rajesh Sehrawat, AETO, Spt. (9215771771) 4- SHO, Police Station, Mohana (8053882341)
			Police Station, GRP, Sonipat	1- Jt. Director, DIC, Sonipat (9416286710) 2- NT, Ganaur (9416791737) 3- Sh. Atma Ram, AETO, Spt. (9813335666) 4- SHO, GRP, Sonipat (8814888713)
2-	Sub-Division, Gohana	1- Sub-Divisional Magistrate, Gohana (9416288843) 2- Concerned DSP 3- Sh. Lalit Malik, SDO 8222058009 4- Sub-Fire Stn. Off., Gohana	Police Station, Gohana City	1- Tehsildar, Gohana 2- Sh. Rakesh, ETO, Gh. (9466117563) 3- Secy., MC, Gohana – 9416232858) 4- SHO, Police Station, City, Gohana (8053882344)
			Police Station, Sadar, Gohana	1- XEN, Gohana Water Serv., Gohana (8295173400) 2- Naib Tehsildar, Gohana (9416600230) 3- Sh. Rakesh, ETO, Gh. (9466117563) 4- SHO, Police Station, Sadar, Gohana (8053882342)
			Police Station, Baroda	1- Naib Tehsildar, Gohana (9416600230) 2- Sh. Rakesh, ETO, Gh. (9466117563) 3- SHO, Police Station, Khanpur Kalan (8053882350)
3-	Sub-Division, Ganaur	1- SDM, Ganaur (9888885445) 2- Concerned DSP 3- RO, PCB, Sonipat (9910059555) 4- Fire Station Officer/ Concerned Sub Fire Station Officer	Police Station, Ganaur	1- XEN, HSAMB, Sonipat (9416560060) 2- Tehsildar, Ganaur (9991729292) 3- Ms. Sangeeta Dabas, ETO – 9812232684, 9354502801 4- ME, Ganaur (9468356418) 5- SHO, Police Station, Ganaur (8053882328)

4-	Sub-Division, Kharkhoda	1- SDM, Kharkhoda (8285000716) 2- Concerned DSP 3- Sh. Narender, SDO 7838082532 4- Fire Station Officer/ Concerned Sub-Fire Station Officer	Police Station, Kharkhoda	1- Tehsildar, Kharkhoda (9416230109) 2- Sh. Nafe Singh, AETO, Sonipat (9416503076) 3- Secy., MC, Kharkhoda 9416719490 4- SHO, Police Station, Kharkhoda (8053882338)
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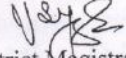
This order shall come into force with immediate effect. In addition to above constituted supervising/checking teams, Superintendent of Police, Sonipat; Additional Deputy Commissioner, Sonipat; Commissioner, Municipal Corporation, Sonipat; City Magistrate, Sonipat; all other Executive Magistrates posted in District Sonipat as well as Deputy Excise & Taxation Commissioner (Sales Tax), Sonipat will ensure compliance of this order. Superintendent of Police, Sonipat will provide sufficient Police force to abovesaid committees/teams.

If any person is found violating this order, strict action shall be taken under the relevant section of Cr.P.C. 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 Sonipat 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 19<sup>th</sup> October, 2018.

  
District Magistrate,  
Sonipat

Endst.No. 4976-5072 /PLA, Dated : 19-10-18

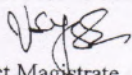
A copy is forwarded to the following for information & necessary action :-

- 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, Sonipat.
- 6- All the District Magistrates in the Haryana State.
- 7- Additional Deputy Commissioner, Sonipat.
- 8- Commissioner, Municipal Corporation, Sonipat.
- 9- City Magistrate, Sonipat.
- 10- District Revenue Officer, Sonipat
- 11- District Development & Panchayat Officer, Sonipat.
- 12- Civil Surgeon, Sonipat.
- 13- Deputy Excise & Taxation Commissioner (Sales. Tax), Sonipat.
- 14- Regional Officer, Pollution Control Board, Sonipat.
- 15- Estate Officer, HUDA, Sonipat.
- 16- All Tehsildars/Naib Tehsildars of District Sonipat.
- 17- District Education Officer, Sonipat & District Elementary Education Officer, Sonipat.
- 18- All BDPOs in District Sonipat
- 19- District Information & Public Relations Officer, Sonipat.
- 20- EO/Secretary, Municipal Corpn./Council/Committee, Sonipat/Gohana/Ganaur/Kharkhoda.
- 21- Fire Station Officer, Sonipat.

Endst.No. 5073-77 /PLA, Dated : 19-10-18

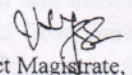
A copy is forwarded to the following for information & necessary action. They are requested to download the abovesaid orders dated 12-9-17 and 9-10-17 from the official website of Hon'ble Supreme Court :-

- 1- Superintendent of Police, Sonipat.
- 2- Sub-Divisional Magistrate, Sonipat/Gohana/Ganaur/Kharkhoda.

  
District Magistrate,  
Sonipat.

Endst.No. 5078 /PLA, Dated : 19-10-18

A copy is forwarded to the Joint Chief Controller of Explosives, North Circle, Faridabad for information.

  
District Magistrate,  
Sonipat.