

No.EDN-HE (21) F (07) 38/2019-Environment
Directorate of Higher Education
Himachal Pradesh

10 NOV 2023

Dated: Shimla-171001 the November, 2023

To

All the Deputy Directors of Higher Education,
Himachal Pradesh.


Subject: - OA No.249 of 2020-Tribunal on its Own Motion vs Ministry of Environment, Forest & Climate Change & Ors.

Sir,

Please find enclosed herewith a copy of letter No.STE-E(3)-14/2020 dated 09-11-2023 received from Shri Satpal Dhiman Additional Secretary (Env. Sci.& Tech.) to the Government Himachal Pradesh Shimla-2 on the subject cited above.


In this connection, you are, directed to circulate the same amongst all the educational institutions under your control to ensure necessary compliance in letter & spirit being a court matter.

Kindly treat it as most urgent.


Addl. Director of of Higher Education(A)
Himachal Pradesh, Shimla-1

Endst.No. Even Shimla-171001 the November, 2023
Copy for information:-

1. Sh. Satpal Dhiman, Addl. Secretary (Env.Sci.Tech & CC) to the Himachal Pradesh, Shimla-2 w.r.t. his/her letter no. referred above.
2. The Technical Officer (Computer/IT/Cell), Directorate of Higher Education Shimla -1 to upload the letter on departmental website.
3. Guard File.


f Addl. Director of of Higher Education(A)
Himachal Pradesh, Shimla-1

No. STE-E(3)-14/2020

Government of Himachal Pradesh

Department of Environment, Science, Technology & CC

From

The Chief Secretary to the
Government of Himachal Pradesh

To

1. The Secretary (Education & Home) to the
Government of Himachal Pradesh, Shimla-171002.
2. The Director General of Police
Himachal Pradesh, Shimla-171002.
3. The Member Secretary,
HP State Pollution Control Board, Shimla-171009.
4. All the Deputy Commissioners,
Himachal Pradesh.
5. All the Superintendents of Police
Himachal Pradesh.
6. The Director (Higher/Elementary),
Himachal Pradesh, Shimla-171001.
7. The Director,
Department of Env. Sci.&Tech., Shimla-171001.

Dated; Shimla-2, the

9th November, 2023.

Subject: OA No. 249 of 2020-tribunal on its own motion vs. Ministry of
Environment, Forest & Climate Change & Ors.

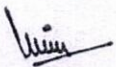
Sir,

In continuation to this Department letter of even number dated
10-10-2022 on the above cited subject and say that the festive season of
Diwali, Gurupurab, Chirstmas and New year Eve is approaching during which
people usually burst crackers, which can adversely affect the respiratory
health of vulnerable groups, besides aggravating health conditions of COVID-
19 positive persons. Also the Hon'ble Supreme Court of India vide judgment



dated 23.10.2018 and order dated 31.10.2018 passed in Writ Petition (Civil) no. 728 of 2015 titled as Arjun Gopal and others v/s Union of India and connected matters had issued certain directions relating to the use of firecrackers for compliance by the State Government. Considering the adverse impact of pollution by use of fire crackers, aggravated risk to lives and health during the Covid-19 pandemic, the Hon'ble NGT has issued certain directions for compliance by the States with regard to the use of fire crackers vide order dated 09.11.2020 passed in Original Application No. 249/2020 titled as Tribunal on its own Motion vs. Ministry of Environment, Forest & Climate Change and others connected matter. The operative parts of directions are reproduced as under:-

- "Para 48 (i) there will be total ban against sale or use of all kinds of fire crackers in the NCR from midnight of November, 9-10, 2020 to the midnight of November 30- December 1, 2020, to be reviewed thereafter.
- ii Direction (i) will also apply to all cities/towns in the country where the average of ambient air quality during November (as per available data of last year) fall under 'poor' and above category.
- iii The cities/towns where air quality is 'moderate' or below, only green crackers be sold and the timings for use and bursting of crackers be restricted to two hours during festivals, like Diwali, Chatt, New Year/Christmas Eve etc., as may be specified by the concerned State. This direction is on pattern of direction of the Hon'ble Supreme Court in (2019) 13 SCC 523 which we are applying to areas moderately polluted or below air quality due to aggravated effect during Covid-19, as already noted. If nothing is specified by the State, timing will be 8 to 10 pm on Diwali and Gurupurb, 6 am to 8 am on Chatt and 11.55 pm to 12.30 am during Christmas and New year eve (which have yet to come and do not fall in November but if ban continues) and not otherwise.



- iv. At other places, ban/restrictions are optional for the authorities but if there are more stringent measures under orders of the authorities, the same will prevail.
- v. All States/UTs/PCBs/PCCs may initiate special drives to contain air pollution from all sources in view of potential of aggravation of Covid-19
- vi. The Chief Secretaries and DGPs of all the States/UTs may issue and circulate an appropriate order in above terms with appropriate enforcement guidelines to all the District Magistrates and Superintendents of Police, PCBs/PCCs.
- vii. The CPCB and the State PCBs/PCCs may regularly monitor the air quality during this period which may be uploaded on their respective websites. CPCB may compile information on the subject, including the status of compliance of this order from all the States/UTs and file a consolidated report with data compiled till filing of report, before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

In the aforesaid backdrop, only green crackers would be allowed and strictly for a very short duration on the following days and time across the State:

Festival	Day	Time for bursting of the crackers
Diwali	12 th November, 2023	From 8:00pm to 10:00pm
Gurupurab	27 th November, 2023	From 4:00am to 5:00am and From 9:00pm to 10:00pm
Christmas Eve	25-26 th December, 2023	From 11:55 pm till 12:30 am
New Year Eve	31 st December of 2023 & 1 st January of 2024	From 11:55 pm till 12:30 am


No e-commerce websites including Flipkart, Amazon, etc, shall accept any online orders and effect online sales within the State of H.P.

The average Ambient Air Quality and Air Quality Index (AQI) of the selected location across the state monitored by HP State Pollution Control Board is also available on State Board website www.hppcb.nic.in

You are, therefore, requested to direct all the concerned Officer(s)/Official(s) under your control to ensure compliance of the orders of Hon'ble Supreme Court and National Green Tribunal in letter and spirit. Any violation of the directions aforementioned will invite immediate penal action under Section 15 of the Environment (Protection) Act, 1986 besides legal action under Section 188 of the IPC and other provisions as applicable.

This may be attended on TOP PRIORITY.

Yours faithfully,


(Satpal Dhiman)
Additional Secretary (Env., Sci., Tech. & CC) to the
Government of Himachal Pradesh
Phone No. 0177-2621874