

GOVERNMENT OF JAMMU AND KASHMIR
Department of Disaster Management, Relief, Rehabilitation & Reconstruction
State Executive Committee
Civil Secretariat, J&K, Jammu.

Subject: Implementation of directions of Hon'ble NGT vide order dated 09.11.2020 in OA No.249/2020-regarding restrictions on sale and use of fire crackers during festive season.

Government Order No. *89*-JK (DMRRR) of 2020.

Dated: *10*.11.2020

- 1) Whereas, amidst the COVID-19 pandemic through which the UT of Jammu and Kashmir is passing and considering the approaching winter season during which the elderly, children, persons with co-morbidities and others, are prone to respiratory problems; and
- 2) Whereas, during the approaching festive season of Diwali, Gurupurab, Kartik Purnima, Christmas and New year, people usually burst crackers which can further affect respiratory health of vulnerable groups, besides, aggravating health condition of COVID-19 patients / persons staying in home isolation; and
- 3) Whereas, the Hon'ble National Green Tribunal (NGT) in its order dated 09.11.2020, on the Original / Main application No. 249 / 2020, passed the following directions to the States / U.Ts in connection with the sale and use of crackers during the festive season -
 - a) *There will be total ban on 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.*
 - b) *Direction (a) 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.*



c) *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.*

4) Whereas, as per the J&K Pollution Control Board's data for the month of November, 2019, the Cities of Jammu and Srinagar fall under the Moderate category of Air Quality Index (AQI) and thus, as per NGT's Order, fall in the restrictions mentioned in category (c) above.

5) Now therefore in exercise of powers conferred under Section 24 of the Disaster Management Act, 2005, the State Executive Committee hereby issues the following directions for regulating the activities related to sale and use of fire crackers in the capital cities of Jammu and Srinagar: -

i. *Only "Green crackers" shall be permitted for sale and use in the Cities of Jammu and Srinagar.*

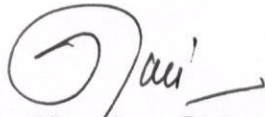
ii. *The use/bursting of these green crackers shall be restricted to only two hours during the festivals. The timing shall be 8 pm to 10 pm on Diwali and Gurupurb; from 6 am to 8 am on Chhatt and from 11:55 pm to 12:30 am on eve of Christmas and New Year.*

iii. *All the Deputy Commissioners shall execute extensive public awareness campaigns regarding the above. The J&K State Pollution Control Board shall carryout short-term monitoring*



in the cities for 14 days (commencing immediately) for the parameters namely, Aluminum, Barium, Iron apart from the regulatory parameters against the short-term Ambient Air Quality Criteria Values (AAQCVs) proposed by CPCB with regard to bursting of firecrackers. This will help in generation of data on pollution caused by the bursting of firecrackers and would be helpful for regulation and control of quality of Aluminum, Barium and Iron used in the manufacture of firecrackers.

- 6) Any violation of the above directions will invite immediate penal action under Section 51 to 60 of Disaster Management Act, 2005 besides legal action under Section 188 of the IPC and others provisions as applicable.


Member-Secretary
State Executive Committee

No: DMRRR/PS/Secy/552/2020

Dated: 10.11.2020

Copy to:-

1. Financial Commissioner, Health and Medical Education Department.
2. Principal Secretary to the Lieutenant Governor, J&K
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Director General of Police, J&K.
5. Divisional Commissioner, Kashmir/Jammu
6. Inspector General of Police, Kashmir/Jammu.
7. All Deputy Commissioners.
8. All Superintendents of Police.
9. Director, Information and PR for wide publicity.
10. Private Secretary to the Chief Secretary.
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12. Government Order/Stock file.