

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI

Original Application No.249/2020 (THC)

Indian Social Responsibility
Network through Santosh Gupta

Applicant

Versus

Ministry of Environment,
Forests & Climate Change &Ors.

Respondent

**AFFIDAVIT ON BEHALF OF STATE OF RAJASTHAN IN
COMPLIANCE TO THIS HON'BLE TRIBUNAL ORDER DATED
02.11.2020.**

I, Rakesh Mathur S/o Shri Murali Lal Mathur , aged 60 years,
working as Deputy Director, Department of Environment, Government of
Rajasthan, Jaipur do, hereby take oath and state as under:-

- 1) That I am working as Deputy Director, Department of Environment,
Government of Rajasthan, Jaipur and I am well conversant with the
facts and circumstances of the matter and as such competent to
swear this affidavit on behalf of the State of Rajasthan.
- 2) That the Hon'ble Tribunal by order dated 02.11.2020 has issued
directed as under:-

***"5. In view of above, issue notice to the MoEF&CC,
CPCB, DPCC, Police Commissioner, Delhi, Governments
of Delhi, Haryana, Uttar Pradesh and Rajasthan on
the question whether the use of fire crackers may be
banned for the period from 07.11.2020 to 30.11.2020
in the interest of public health and environment."***



- 3) That looking to the COVID-19 pandemic across India, the State of Rajasthan issued Rajasthan Epidemic Diseases Ordinance, 2020 on 01.05.2020. Taking into consideration the adverse impact of firecrackers on air quality and increase in air pollution, this will ultimately affect the health of people.
- 4) That the advisory committee (COVID-19) of State of Rajasthan has also advised that the firecrackers will affect the immunity of the people and in such circumstances the patients of COVID-19, COPD, Asthma will be adversely affected.
- 5) That on the basis of recommendations of the advisory committee (COVID-19) and considering other factors, the State of Rajasthan on 02.11.2020 has already issued directions to the licensing authority under Explosives Act, 1884 read with Explosives Rules, 2008 to not to issue any temporary license for fireworks in the State of Rajasthan till 31.12.2020. The photo copy of the directions dated 02.11.2020 is annexed herewith and marked as **Annexure-1**.
- 6) That in exercise of the powers conferred under section 4 of the Rajasthan Epidemic Diseases Act, 2020 the State of Rajasthan vide notification dated 03.11.2020 has added regulations 14 and 15 which are as under:-

"14. No shopkeeper shall sell any kind of fireworks.

15. No person shall use or allow to fire any kind of fireworks."

Further, in exercise of the powers conferred under section 11 of the Rajasthan Epidemic Diseases Act, 2020 vide notification dated 03.11.2020 has imposed a fine of Rs. 10,000/- for shopkeeper (any) on sell of any kind of fireworks and fine of Rs. 2,000/- on any person found using or allow the firing of any kind of fireworks. The



- 3) That looking to the COVID-19 pandemic across India, the State of Rajasthan issued Rajasthan Epidemic Diseases Ordinance, 2020 on 01.05.2020. Taking into consideration the adverse impact of firecrackers on air quality and increase in air pollution, this will ultimately affect the health of people.
- 4) That the advisory committee (COVID-19) of State of Rajasthan has also advised that the firecrackers will affect the immunity of the people and in such circumstances the patients of COVID-19, COPD, Asthma will be adversely affected.
- 5) That on the basis of recommendations of the advisory committee (COVID-19) and considering other factors, the State of Rajasthan on 02.11.2020 has already issued directions to the licensing authority under Explosives Act, 1884 read with Explosives Rules, 2008 to not to issue any temporary license for fireworks in the State of Rajasthan till 31.12.2020. The photo copy of the directions dated 02.11.2020 is annexed herewith and marked as **Annexure-1**.
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photo copy of the notifications dated 03.11.2020 is annexed herewith and marked as **Annexure-2 (Collectively)**.

In view of above, it is submitted that the affidavit on behalf of State of Rajasthan may kindly be taken on record.


DEPONENT

VERIFICATION

Verified at Jaipur, on this 05 November, 2020, I the above mentioned deponent do hereby verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.


DEPONENT

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INDEX

S.No.	Particulars	Page No.
1.	Affidavit on behalf of State of Rajasthan in compliance to this Hon'ble Tribunal order dated 02.11.2020	
2.	<u>DOCUMENTS</u>	
	Annex-1. Photo copy of the directions dated 02.11.2020	
	Annex-2. Photo copy of the notifications dated 03.11.2020 (Collectively)	


(Rakesh Mathur)

**Deputy Director, Department of Environment,
Government of Rajasthan**