

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

**Original Application No. 113/2013**  
**Dr. Subhash C. Pandey Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER**  
**HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Subhash C. Pandey**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Order no. 1</b> <b>30<sup>th</sup> October, 2013</b>	<p>The applicant has filed Original Application no. 113/2013 alleging that the respondents in all the three States i.e. Madhya Pradesh, Chhattisgarh &amp; Rajasthan have not carried out the statutory duty as envisaged under the notification issued by the MoEF as long back as in 1999 with regard to noise and air pollution caused as a result of use and bursting of fire crackers. It is further alleged that no measures have been taken to carry out checks with regard to the manufacture and sale of the fire crackers during the Diwali festival scheduled to be celebrated place between 01.11.2013 to 05.11.2013 and that fire crackers beyond the specified decibel limits are freely available in the market.</p> <p>Issue notice. Shri Shivendu Joshi, Learned Counsel is directed to accept on behalf of both for the States of Madhya Pradesh &amp; Chhattisgarh and the concerned Pollution Control Boards. We also direct to inform the Standing Counsel Shri Sachin K. Verma to take instructions on behalf of the State Government. Shri Sandeep Singh, Learned Counsel is directed to accept the notice on behalf of the State of Rajasthan and Rajasthan Pollution Control Board. The respondents shall respond by submitting what steps have been taken by them for containing the noise pollution level in accordance with the notification already in existence so also what steps have been taken by the respective Governments and the Pollution Control</p>

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Boards with regard to monitoring the ambient air quality and air pollution levels during the aforesaid festival season.

It is also been pointed in the petition that the Pollution Control Boards allegedly do not even possess suitable equipment for conducting the tests on noise pollution caused by fire crackers as also there is a total shortage of such equipment as observed throughout the State. The respondents shall apprise the Tribunal as to their actual requirement of such equipment and whether the equipment available can be put to use performing the task or has become obsolete. Shri Shivendu Joshi & Shri Sandeep Singh to whom notices were issued, informed that they have contacted their respective Boards and State Governments and submitted that the State Governments and the Boards have directed the District Administration for taking effective measures in this behalf.

Since there is very little time left between the ensuing Diwali festivities and the hearing that is taking place before us, we would direct the respondents to place before the Tribunal by way of brief Action Taken Report listing the measures which have been put in place for complying with the requirement of the aforesaid notification. We may add that, media reports published in Bhopal both in Hindi & English print media have been pointing out that till date no effective measures have been taken. In that view of the matter, the respondents shall submit their response tomorrow.

Let the matter be taken up tomorrow.

.....JM  
(DALIP SINGH)

.....EM  
(P.S.RAO)