



2025 INSC 1233

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. No. 208841 of 2025

I.A. No. 208905 of 2025

I.A. No. 206552 of 2025

in

Writ Petition (C) No.13029 of 1985

M.C. Mehta

Petitioner(s)

Versus

Union of India & Ors.

Respondent(s)

ORDER

1. Aggravated environmental pollution resulting in serious health hazards is pitted against the right to life and the right to carry on a profession; as available to the persons engaged in the firecrackers industry and their workmen. Bursting firecrackers is an expression of the festive spirit and it enhances the mood in religious and other auspicious ceremonies, embedded in the cultural milieu of India. However that cannot lead to a situation of causing long term or even short term damage to health by an uncontrolled use, based only on traditions and cultural or religious norms. We cannot but reiterate, as this Court held oftener than

ever, that the commercial considerations and the festive spirit should take a back seat when it concerns the environment and health.

2. The deleterious effect of permitting the firework industry a free play, especially on designated festival days when the rampant, uncontrolled use brings down the ambient air quality and spikes the presence of pollutants, has been vexing this Court for over a decade. In ***Arjun Gopal and Ors. v. Union of India and Ors.***¹, the conflicting claims of the industry, the users, and the health hazards as also the mishaps caused in its use and accidents in manufacturing were addressed in various orders. While so, in 2020, an Interlocutory Application raised a similar issue in ***M.C. Mehta v. Union of India, Writ Petition (C) No.13029 of 1985***, wherein also the issue was dealt with at length. We do not intend to trace the evolution of the two streams of litigation, since presently we are concerned with the ban imposed by the Government of National Capital Territory of Delhi (for brevity 'NCTD'). We cannot but observe that the two streams should meet, at some time for reason only of consistency.

¹ Writ Petition No.728 of 2015

3. Be that as it may, the ban imposed in NCTD was upheld by this Court in ***M.C. Mehta*** and directions issued to implement it scrupulously, which it is claimed has thrown the industry into disarray, impinging upon the livelihood of the manufacturers, workers and the traders in the firecrackers industry. The ban was imposed to ensure better air quality in the NCTD, further compounded by the stubble burning in the National Capital Region (NCR) which is comprised of entire Delhi and districts in the neighbouring States i.e. Haryana, Rajasthan and Uttar Pradesh. Pursuant to the orders issued by this Court, the licences issued by Petroleum and Explosives Safety Organisation (PESO) have been cancelled or have not been renewed after expiry. The industry representing the manufacturers, traders and the workmen who are before us, claim relaxation, especially in the context of the advent of 'green crackers', the emission from which is far less damaging, resulting in minimal pollution and lesser gravity and intensity. The Government of NCTD and the Central Government are also agreeable to the relaxation but with strict compliance of the norms laid down by this Court.

4. The learned Amicus Curiae is apprehensive of the situation becoming uncontrollable and reverting to the earlier times when Delhi reeled under the effect of smog and soot, emitted from the firecrackers, which remain in the atmosphere for long and when ingested refuse to leave the system of both humans and the animals; resulting in lasting damage.

5. We heard Mr. K Parameshwar, learned Senior Counsel representing the industry, Mr. Tushar Mehta, learned Solicitor General and Ms. Aishwarya Bhati, learned Additional Solicitor General for Union of India and the Commission for Air Quality Management (CAQM), Mr. Aditya Sondhi, learned Senior Counsel for the Government of the NCTD and Ms. Uttara Babar, the Amicus Curiae.

6. We have to briefly refer to the orders, since as we noticed there were two separate petitions dealing with the same issues which we need to bring together and harmonise.

7. **Arjun Gopal**, as was noticed by this Court in the judgment dated 12.09.2017, though had disparate prayers, the one taken up was the issue of ban on the use of fireworks, sparklers and minor explosives in any form, during festivals or otherwise. At the

interim stage when a prayer for a complete prohibition on the sale of fireworks was granted, the manufacturers and suppliers moved an application for modification which was considered in the said judgment. In the year 2016, after the Diwali celebrations, PM_{2.5} levels in the air had crossed about 29 times above the standards laid down by the World Health Organization (WHO) and the air quality index (AQI), which in Delhi generally hovers around 500, crossed 700 immediately after the Diwali. This Court noticed the steps taken to reduce air pollution, the provisions of the Explosive Act and the Rules and issued directions, keeping in mind the paramount consideration of the health of the people in Delhi and in the NCR, taking precedence over the commercial or other interests of the applicants, but all the same modifying the interim order.

8. While the explosive rules were directed to be implemented scrupulously, the district administration and the police authorities were also directed to take steps to ensure that the injurious effects of bursting of firecrackers are reduced. The Department of Education was called upon to reach out to the children through teachers, volunteers and NGOs to sensitize and educate them

about the ill-effects of breathing polluted air and to reduce, if not eliminate, the bursting of firecrackers as a part of festivities. The transport of fireworks into Delhi from outside the region was prohibited. The licences of trading in fireworks were directed to be reduced to half and the permanent licensees were allowed to exhaust the existing stock or take it outside Delhi and NCR. The suspension of permanent licences were put on hold and a study was directed to be undertaken to identify the constituents used in fireworks which leads to a high pollution. A research study was initiated by a Committee chaired by the Chairperson of the Central Pollution Control Board (CPCB) and the officers at the appropriate level from the National Physical Laboratory, Delhi, the Defence Institute of Physiology and Allied Sciences, Timarpur, Delhi, the Indian Institute of Technology, Kanpur, scientists from the State Pollution Control Boards, the Fire Development and Research Centre, Sivakasi and Nagpur and the National Environment Engineering Research Institute (NEERI), as nominated by the Chairperson of the CPCB, who was to submit a report.

9. Subsequently, on 23.10.2018, this Court traced the path and trajectory of Writ Petition No.728 of 2015 and specifically noticed

the judgment dated 12.09.2017 referred above. As pointed out by the learned Amicus in paragraph 29 and 30 of the judgment dated 23.10.2018, this Court noticed the severe health hazards caused by emission of PM_{2.5} from crackers. The bursting of crackers even if confined during the Diwali days, the effects of the emission would remain in the atmosphere for a prolonged duration. It was also noticed that the Committee constituted by the CPCB which considered the long-term impact, as a short-term project, highlighted the definite finding of the deteriorating air quality during Diwali because of bursting of crackers. In 2017, when lesser firecrackers were used by reason of the stringent directions issued by this Court, the pollution was less, compared to the earlier year.

10. Thus, though the arguments put forth on behalf of the industry that there is an absence of scientific study was negated, as we noticed at the outset, looking at the arguments of the economic hardship as pitched against the right to health and life, it was considered whether there has to be a complete ban on the display of firecrackers during Diwali. Reference was made to the efforts for production of firecrackers which do not contain harmful

chemicals and thereby not causing air pollution; which were termed as “green crackers”. The recommendations made by the Government of India were also taken into account and a balance was struck between the competing interests of livelihood and health hazards in **Arjun Gopal** by a judgment dated 23.10.2018, bringing in a strict regulatory regime with the police, administrative and the other agencies concerned with environment, co-ordinating between themselves.

11. It was later that the Government of NCTD brought out an order dated 14.10.2024 by which a complete ban was imposed on the manufacture of firecrackers from 14.10.2024 till 01.01.2025 which was approved in toto by this Court in **M.C. Mehta** by an order dated 19.12.2024. This Court based on the order issued by the Government of NCTD to ban firecrackers, directed the States of Uttar Pradesh and Haryana also to impose similar ban in the National Capital Region (NCR) as imposed by the Delhi Government. When a relaxation was sought, referring to the order dated 23.10.2018 in **Arjun Gopal**, this Court was of the opinion that though the order permitted use of firecrackers to some extent it had not addressed the situation created in State of Delhi and the

National Capital Region, especially during the 3 to 4 months when pollution is at its peak. It was specifically noticed that the report submitted by the Union of India indicated that green crackers are 30% less polluting than the regular firecrackers. However, this Court while continuing the ban on firecrackers directed the NCR States to take measures to effectively implement the ban and also place on record a report within three weeks.

12. When the matter was taken up on the last date of hearing, the CAQM had filed a report in pursuance to the orders of this Court dated 19.12.2024. On the opinion of the Council of Scientific & Industrial Research (CSIR), the firecrackers are said to be classified into two categories, one, based on the effects of light & sound, the other, emissions based on the types of formulations of combustion. It is informed that according to NEERI the exercise related to formulation of “Green Cracker” in India was initiated in 2018. NEERI has developed compositions of green crackers that cut particulate emissions by a minimum of 30 percent but ranging upto 80% while maintaining brightness, safety, and shelf-life. This is achieved by three major formulation changes i.e. use of additives such as 'zeolite' and functionalized zeolites; use of water

releasing molecules such as boron-based reagents to act as dust suppressants; and addition of metallic composites to enhance combustion temperature and to improve combustion efficiency. NEERI also flagged that Barium (Ba) is one of the crucial components in firecracker manufacturing used worldwide, but banned in India. The said chemical has been replaced with Strontium and Potassium and exclusion of Barium is the major reason for the price difference between conventional firecrackers and green crackers as also the lesser pollution occasioned.

13. NEERI, according to the CAQM has also developed a Standard Operating Procedure (SOP) to register green cracker manufacturers and to provide technology transfer of the formulations for manufacturing such green crackers. The list of green crackers have been put on the website of NEERI for registration and grant for individual products. It would require the manufacturer to get multiple registrations from NEERI based on the number of products. Only manufacturers with an explosive licence from PESO, would be granted registration by NEERI. It also issues green firework test certificates with details of the registration and the explosive licence as also the test results, on the basis of the

sample tests done during the process of granting registration. Though, there is a QR code developed for the registered manufacturers, the NEERI reports of multiple instances observed where sale of such QR code was made to un-registered manufacturers. As projected by the CAQM, there is a difficulty in implementing a regulatory measure and ensuring the sale of only green crackers.

14. The Union of India as well as Government of NCTD, through the learned Solicitor General has put forth suggestions as to how the relaxation shall be effected. The suggestions given by the learned Solicitor General are as under:

“A. THE BURSTING OF FIRECRACKERS MAY BE ALLOWED IN THE NCR SUBJECT TO FOLLOWING CONDITIONS:

- i.** Green crackers, as approved by NEERI shall only be permitted to manufactured and sold;
- ii.** It shall be ensured by the NCR State Governments/GNCTD and PESO that joined firecrackers (series crackers or laris) are not manufactured, sold and used in the NCR;
- iii.** The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling permitted firecrackers only;
- iv.** It shall be ensured by the NCR State Governments / GNCTD and PESO that no e-commerce websites, including Flipkart, Amazon etc., shall accept any online orders and effect online sales;
- v.** On Diwali days or on any other festivals, when such fireworks generally take place, it should strictly be allowed from 8:00 p.m. till 10:00 p.m. only. On Christmas eve and New

Year eve, when such fireworks start around midnight, i.e. 12:00 a.m., it should be from 11:55 p.m. till 12:30 a.m. only. However, on Gurgurab firecrackers may be allowed for one hour in the morning i.e. 04:00 AM to 05:00 AM and one hour in the evening i.e. 09:00 PM to 10:00 PM. For marriages and other occasions, sale and use of green crackers may only be permitted;

B. STEPS TO BE ENSURED BY THE MANUFACTURERS:

- i.** To ensure that only NEERI/PESO approved firecrackers are manufactured and sold in the NCR;
- ii.** Firecrackers manufacturers to develop their own product-specific QR Code and submit the QR codes to PESO and State Pollution Control Boards in NCR and DPCC;
- iii.** To submit undertaking before the PESO and NCR State Governments / GNCTD that only approved firecrackers are manufactured and sold in NCR and also inform about the steps taken to ensure that authenticity of such firecrackers can be verified by the authorities and public;
- iv.** Regular testing of samples of firecrackers to ensure that emissions of such firecrackers are reduced as per NEERI specifications and submit such report to the respective SPCBs/DPCC;
- v.** Manufacturers shall properly maintain the records of quantity / types of firecrackers manufactured and sold in the NCR and make the same available to the respective authorities;

C. STEPS TO BE TAKEN BY THE PESO AND RESPECTIVE STATE GOVERNMENT IN NCR AND THE GOVERNMENT OF NCT OF DELHI OR OTHER AGENCIES:

- i.** Strict penal action against the manufacturers found manufacturing and selling unapproved firecrackers including suspension of license of manufacturing by PESO/NCR State Governments/GNCTD/Police;
- ii.** Firecracker manufacturing sites and selling premises found to be in violation shall be immediately directed to be closed as a precautionary measure;
- iii.** PESO to ensure that fireworks with permitted chemicals only to be possessed/ sold/used;
- iv.** PESO in coordination with NCR State Governments / GNCTD/SPCBs / DPCC and NEERI to periodically test and check firecracker samples for the presence of banned

chemicals like barium, lithium, arsenic, antimony, lead, and mercury;

v. During and before festivals, PESO in coordination with NCR State Governments/GNCTD / SPCBs / DPCC / Police to intensively conduct random, surprise inspections and collect samples directly from firecracker manufacturing sites, storage site and selling premises, and conduct scientific testing to verify:

- a) Whether the manufacturers are using the approved green cracker formulations developed and transferred by CSIR-NEERI;
- b) Whether only the approved green cracker formulations are being sold in the market; and
- c) Whether the actual emissions from the firecrackers being used are within the permissible thresholds.

vi. NEERI and PESO shall widely publicize details of approved firecrackers and its manufacturers, including uploading the same on their websites;

vii. CSIR-NEERI to continue to work on developing firecrackers with maximum reduction emissions;

viii. Extensive public awareness campaigns by the State Governments/GNCTD/ informing the public about the harmful effects of firecrackers, permissible types of crackers, associated environmental impacts, and available reporting mechanisms;

ix. The NCR State Governments/GNCTD/Police shall ensure that fireworks take place only during the designated time;

x. PESO to conduct periodic training programmes for all manufacturers and traders, to spread awareness;

xi. An online grievance redressal platform to be provided by NCR SPCBs/ DPCC/Police/Urban Local Bodies and PESO to take prompt action on complaints and promotion of citizen reporting through platforms such as the Sameer App, the Green Delhi App, and other official channels to facilitate timely enforcement action and also to ensure widely publicizing these platforms to the public;

xii. The NCR State Governments/GNCTD/PESO in consultation with CAQM shall develop additional means and mechanism to ensure prevention of manufacturing, selling, transport and use of banned crackers based on prevalent air quality scenario;

xiii. Comprehensive source apportionment studies to be immediately undertaken by CPCB and CSIR-NEERI to assess the contribution of bursting of firecrackers to air pollution in Delhi-NCR and also to ascertain the impact of toxicity of firecracker emissions on public health. The CPCB and NCR SPCBs / DPCC shall continue to monitor air quality scenario for taking additional appropriate measures, if any."

15. The learned Amicus also has made suggestions which are as under:

"It may be noted that the stakeholders consulted by the MoEFCC in the meeting dated 3.10.2025, convened pursuant to this Hon'ble Court's order dated 26.9.2025, did not include any public health experts.

The applicants before this Hon'ble Court are seeking a revisiting of this Court's order dated 3.4.2025, whereby this Hon'ble Court was please to affirm the ban on firecrackers in Delhi NCR till

"the pollution caused by the so-called Green crackers' is to the bare minimum"

Hence, as a test case, let only those formulations of firecrackers be permitted, which have at least 50% reduced emissions.

Further, for the upcoming Diwali in 2025, let the CPCB conduct an in-depth monitoring of the quality of air, water, and soil, to comprehensively assess the impact of the firecrackers. This must be done on the days prior to Diwali, on Diwali, and the days after Diwali.

Let the study also specifically examine the presence of banned substances, so as to ascertain the extent of enforcement of the ban on conventional firecrackers. The study may be submitted to the CAQM.

Let CAQM collate reports from CPCB, PESO, NEERI, the NCR State Governments and also health professionals, and submit a consolidated report to this Hon'ble Court on the impact of firecrackers during Diwali 2025. Let a decision regarding future use of firecrackers in Delhi NCR after Diwali be taken based on CAQM's assessment.

There is a noticeable gap in the FSL facilities for testing firecrackers for banned substances. Hence, PESO and CPCB

may be directed to evolve an action plan for bolstering the existing FSL capabilities, including exploring in-house capacity building

In lieu of the pollution caused by bursting firecrackers, let firecracker manufacturers pay an amount of 10 percent of cost of production of firecrackers as an Environmental Compensation Charge.”

16. We are called upon to balance the interests of both the industry and the health of the general public, especially the aged, the ill and the infants on whom the debilitating effect of pollution would be more pronounced. Sadly, it is the rampant use by the general public, without awareness of its ill effects that causes the problem.

17. The Learned Solicitor General made a fervent plea to the child in us; if it is there in any form, to permit the lifting of the ban imposed on firecrackers, but we desist and suppress any such instinct.

18. Still, there are concerns addressed by the industry and there is also the issue of the ban having not really put an end to the bursting of firecrackers, especially during festive days, when the conventional firecrackers are smuggled which cause a more damaging effect than the green crackers now developed.

19. We also have to reckon the serious apprehensions expressed by the Amicus, though a lone voice, but is of utmost significance for reason of it being raised in caution and in the interests of the masses who are ignorant of the injury that could befall them by unchecked use of crackers.

20. In such a case, we have to take a balanced approach, taking into account the conflicting interests and permit in moderation, while not compromising the environmental concerns arising. While doing so, we also take note of the concerns raised by the State of Haryana. It is their contention that out of the 22 districts of State of Haryana, 14 districts fall within NCR. It is, therefore, the contention that almost 70 per cent of the State is affected by the ban on firecrackers. A similar plea was also raised on behalf of the States of Uttar Pradesh and Rajasthan.

21. It is further to be noted that to the query as to whether there was a substantial difference in the AQIs in the year 2018 and 2024 when the ban was imposed, it has been fairly stated that there is not much difference except the Covid period when the AQI had drastically come down.

22. It is to be noted that after considering various aspects viz., the concerns of the environment, sentiments of the citizens during the festive season and the right to livelihood of the workers working in the firecracker industry, directions were issued by this Court in **Arjun Gopal** so as to balance the interests of the concerned stakeholders. At the time of the Judgment in **Arjun Gopal**, the concept of green crackers was just introduced. Over the six years, the green crackers have substantially reduced the emission. It will be relevant to note that NEERI, which is one of the most prestigious organizations dealing with environmental matters, has significantly contributed to such factor.

23. It is further to be noted that last year, *vide* order dated 14.10.2024, Government of NCTD imposed a complete ban on the manufacture of firecrackers from 14.10.2024 to 01.01.2025. Subsequently, the order dated 19th December 2024 was passed by this Court when the Government of NCTD itself had already imposed a complete ban. This Court expanded the scope and imposed the ban in the entire area of the NCR. However, now the situation is different. Both the Government of NCTD and the

Government of India themselves are seeking relaxation of the said ban at least during the festive periods.

24. In that view of the matter, as a temporary measure, we propose to follow the approach adopted by this Court in the year 2018 in *Arjun Gopal*. We, therefore, issue the following directions:

A. The sale of green crackers as uploaded on the website of NEERI shall be permitted commencing from 18.10.2025 and continuing only till 20.10.2025.

B. The sale of these products shall be permitted only from the designated locations in the entire National Capital Region which shall be identified by the District Collectors/Commissioners in consultation with the District Superintendent of Police and given wide publicity.

C. The police authorities, in consultation with the district administration shall constitute patrolling teams to keep a vigil on the designated locations of sale, including Officers as nominated from the Regional Offices of the State Pollution Control Boards. The patrol teams so constituted shall acquaint themselves with the green cracker products as uploaded in the website of NEERI and the registrations

granted as also the QR Codes issued to individual manufacturers.

- D.** The patrol teams shall conduct regular reconnaissance in the designated sites to ensure that only the permitted products shall be sold and that too having the QR Codes issued. They shall also take random samples for the purpose of analysis, which shall be transmitted to PESO. On violations noticed, the responsibility shall attach to those involved in manufacturing or sale of prohibited products who shall not only be penalised but also their licence/registration from PESO or with NEERI shall stand cancelled
- E.** The district administration and the police shall ensure that use of firecrackers shall be confined between 6:00 AM to 7:00 AM and 8:00 PM to 10:00 PM on the two days i.e., the one before and on the Diwali day.
- F.** The sale shall be only through licensed traders and of the products i.e. the green crackers manufactured by those who are registered with the NEERI and obtained license from PESO. Any firecracker seized which are not manufactured by

the registered/licensed manufacturers shall be immediately confiscated.

G. There shall be no firecrackers allowed into the NCR region from outside the said region.

H. The use of firecrackers with Barium and those not approved by the NEERI as green cracker, shall not be permitted and if found for sale or in the possession of individuals/traders, the same shall be confiscated immediately.

I. There shall be no manufacture or sale of firecrackers joined in series (laris).

J. There shall be no sale or purchase of firecrackers through e-commerce networks and any supply of such products shall be detained and the product confiscated.

K. The licences of traders, expired or cancelled after the ban was introduced shall be renewed for the period stipulated by the statutory authorities.

L. The Central Pollution Control Board, in consultation with the State Pollution Control Boards and their respective regional offices within the districts coming under the NCR shall monitor the air quality index in their respective jurisdictions

starting from 14.10.2025 till 25.10.2025 and file a report before this Court, specifying the air quality of each day indicated hereinabove. Along with such monitoring the Regional Offices of the State Pollution Control Boards shall also take samples of sand and water from sites having more density of use for analysis.

M. We make it clear that the relaxation is only on a test case basis and the same shall be only for the period specified.

25. The present IAs are directed to be listed after three weeks from the date of this order for further directions. The Registry shall forward this order to the District Collectors of all the Districts coming within the NCR.

..... **CJI.**
(B. R. GAVAI)

..... **J.**
(K. VINOD CHANDRAN)

New Delhi;
October 15, 2025.