

CWP No. 487 of 2015 ( O&M )

H.C. Arora, Advocate Vs. State of Punjab and others

Present : Petitioner in person.

Mr. Ashok Aggarwal, Advocate General, Punjab, with  
Mr. Gaurav Garg Dhuriwala, DAG, Punjab,  
for respondents No.1 to 4.

Mr. Baldev Raj Mahajan, Advocate General, Haryana, with  
Mr. Ravi Dutt Sharma, DAG, Haryana,  
for respondent No.5.

\* \* \*

**CM No. 711-CWP of 2015**

Application is allowed.

Additional affidavit of the petitioner is taken on record.

**CWP No. 487 of 2015**

On January 13, 2015, the following order was passed in this  
petition :

*“The issue raised in this petition is of great public importance. It requires immediate redressal to save the people from hazardous use of china thread made of synthetic plastic while flying kites which some times cause grievous injuries to the people and the birds. In this regard, the State of Punjab has issued a circular dated 16.07.2014 (Annexure P-4) imposing prohibition of sale of such thread, but the State of Haryana has not issued any such circular. However, it is the case of the petitioner that the Deputy Commissioners are not enforcing the said prohibition. Therefore, let the State of Haryana be also impleaded as respondent No.5 in this petition. Registry is directed to make necessary correction in the memo of parties.*

*Notice of motion.*

*On our asking, Mr. Gaurav Garg Dhuriwala, Deputy Advocate General, Punjab, who is present in the court, accepts notice on behalf of respondents No.1 to 4, whereas Mr. Ravi Dutt Sharma, Deputy Advocate General, Haryana, who is also present in the court, accepts notice on behalf of respondent No.5. The petitioner is directed to hand over the requisite copies of the petition to learned counsel for the respondents.*

*Adjourned to January 20, 2015.*

*In the meanwhile, the States of Punjab and Haryana are directed to file the status report within a period of one week. The State of Punjab is further directed to immediately implement the directions issued by the Government of Punjab to all the Deputy Commissioners/Commissioners of Police in the State vide circular dated 16.07.2014 (Annexure P-4), and submit the report to this court.”*

Today, learned Advocate General, Haryana, has informed the court that the State of Haryana has issued a circular dated 19.01.2015, similar to the one issued by the State of Punjab on 16.07.2014, asking the Deputy Commissioners/District Magistrates/Commissioners of Police to consider exercising the powers under Section 144 of Criminal Procedure Code, 1973, to impose prohibition for a period of three months within their area of jurisdiction against storage, sale and purchase of China Dori. Copy of the said circular dated 19.01.2015 has been placed on record.

Learned Advocate General, Punjab, states that the circular dated 16.07.2014, imposing prohibition against storage, sale and purchase of China Dori in the entire State of Punjab, copy of which has been annexed

with the petition as Annexure P-4, has been extended for a further period of six months, with effect from 15.01.2015. Communication in this regard has been sent to all the concerned officers.

Today, the petitioner has placed on record his additional affidavit stating therein three more instances in the State of Punjab, where some persons including one child have been injured with the use of china thread made of synthetic plastic, while flying kites.

Looking into the gravity of the situation, particularly the *Basant Panchmi festival*, which is just round the corner, when customarily the people fly kites in large numbers. We deem it appropriate to issue further directions to the following effect :

- (i) The DGPs of the States of Punjab and Haryana will immediately issue directions to all the SHOs of the respective States, to immediately conduct raids within their area of jurisdiction against sale, storage and purchase of such kind of China Dori made of synthetic material or any other similar material which is being sold and used for kite flying purposes, which is dangerous to not only the human life but also to the birds and seize the same immediately.
- (ii) The above said officers are further directed that no trader or person in their respective States be allowed to sell the above said Dori.
- (iii) The States of Punjab and Haryana will investigate and submit their respective reports as to whether the China Dori is a conductor of electricity, as this would have a great bearing on the safety of human life, particularly the birds.

- (iv) All the Deputy Commissioners in the States of Punjab and Haryana are directed to organise announcements to be made in the respective States to the general public informing them about the dangerous nature of the China Dori, so that they can educate their children not to use such kind of Dori for flying kites.

A compliance report of the above directions be submitted to this court within a period of one week.

Adjourned to January 29, 2015.

**( SATISH KUMAR MITTAL )  
JUDGE**

**January 20, 2015**  
ndj

**( DEEPAK SIBAL )  
JUDGE**