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Supreme Court Dismisses Plea Against Ban On Firecrackers

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Why in News

Recently, the Supreme Court has dismissed appeals challenging the **National Green Tribunal's (NGT) order** which had imposed a complete ban on the sale and use of all firecrackers during the Covid-19 pandemic in NCR and other cities in India.

The order was given in the context of a poor **Air Quality Index (AQI)**, owing to the burning of crackers.

Key Points

- **Background:**
 - In 2017, the Supreme court had **banned the use and sale of toxic crackers** during the **celebration owing to diwali, Christmas, etc.**, on the basis of a petition filed by two infants.
 - They had said the air pollution caused by various factors, especially firecrackers, had made **Delhi a gas chamber**.
 - They pleaded for their **right to life**.
 - The court **dismissed arguments that bursting crackers was a fundamental right** and an essential practice during religious festivals like Diwali.
 - The court held that the **Right to Freedom of Religion (Article 25) is subject to Right to life (Article 21)**.
 - If a particular religious practice is threatening the health and lives of people, such practice is not entitled to protection under Article 25.

- **NGT Order:**

- The NGT in its December 2020 order said that only **green crackers** (which use less polluting raw materials) would be permitted for Christmas and New Year, in areas where the ambient air quality was in the moderate or below categories.
However, owing to **Covid-19 pandemic**, NGT again prohibited the sale and use of firecrackers.
- The firecrackers companies argued that the ban was an impediment to their livelihoods.
- In reply to the argument, the Tribunal had reasoned that the **“right to business is not absolute (Article 19 (1) (g)) and there is no right to violate air quality and noise level norms.**

- **Harmful Effects of Crackers:**

- Firecrackers contain lots of **heavy metals and toxic chemicals** like cadmium, lead, chromium, aluminium, magnesium, nitrates, carbon monoxide, copper, potassium, sodium, zinc oxide, manganese dioxide etc.
- These chemicals, if inhaled or ingested, can cause **severe effects in the health of people** like heart diseases, respiratory or nervous system disorders.
- Further, **noise pollution** causes restlessness, temporary or permanent hearing loss, high blood pressure; sleep disturbance and even poor cognitive development in kids.

Source: TH