

Supreme Court Ruling on Firecrackers

Why in news?

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The Supreme Court recently gave some guidelines in line with the sale, manufacture and use of firecrackers.

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What are the guidelines?

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- The ban came on the basis of a petition filed by two infants through their fathers in 2015.

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- They said the air pollution caused by various factors, especially firecrackers, made Delhi a gas chamber and pleaded for their right to life.

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- **Time** - The Supreme Court restricted the use of fireworks during Deepavali and other festivals to an 8-10 pm window.

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- For Christmas and New Year, the time slot allowed is half-an-hour, between 11.55 p.m. and half-past midnight.

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- **Manufacture** - The court banned crackers that are loud and toxic to man, animal and the environment.

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- It banned the manufacture, sale and use of joined firecrackers (series crackers or 'laris').

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- It held that they caused "huge air, noise and solid waste problems."

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- It allowed the manufacture and sale of only "green" and reduced-emission or "improved" crackers.

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- **Sale** - The sale of green and improved crackers would be only through licensed traders.
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- The court banned the online sale through e-commerce websites, including Flipkart and Amazon.
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- Any e-commerce company selling crackers online would amount to contempt of court.
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- It may also invite orders of monetary penalties from the court.
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- **Community** - The court urged the Central and State governments to permit “community” bursting of crackers during festivities in pre-designated areas.
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- In the case of Delhi and the National Capital Region (NCR), the court made it mandatory.
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- It gave the Centre, the Delhi and other State governments, whose areas fall within the NCR, a week’s time to identify these pre-designated areas.
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- It directed that the public should be informed about the designated places a week before Diwali.
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- **Violation** - Local Station House Officers would be held personally liable and hauled up for contempt by the court if there was any violation of the judgement.
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- This applies both to the time slots for bursting crackers and the sale of banned crackers.
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- **PESO** - The court banned the use of barium salts in fireworks.
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- It entrusted the Petroleum and Explosives Safety Organisation (PESO) in this regard.
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- PESO will have to ensure that only fireworks with permitted chemicals are sold or purchased during festivities or celebrations.
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- It should also test and check for the presence of banned chemicals like lithium/arsenic/antimony/lead/mercury.
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- It has to ensure that only those crackers whose decibel (sound) levels were within the limits are allowed in the market.
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- PESO has been empowered to suspend the licences and appropriately dispose of stocks of manufacturers who violated the court's directions.

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What is the court's rationale?

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- The court rejected arguments that bursting crackers was a fundamental right.

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- It also ruled it out as being an essential practice during religious festivals like Diwali.

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- It held that Article 25 (right to religion) is subject to Article 21 (right to life).

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- So a religious practice that threatens the health and lives of people is not entitled to protection under Article 25.

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- The ruling has thus struck a balance between two rights -

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- i. right of the petitioners under Article 21 (right to public health)

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- ii. right of the manufacturers and traders under Article 19(1)(g) (right to practice any profession or to carry on any occupation, trade or business)

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What are "Green crackers"?

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- "Green crackers" do not contain harmful chemicals that would cause air pollution.

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- Components in firecrackers are replaced with others that are less dangerous and less harmful to the atmosphere.

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- The idea was initially proposed by Science & Technology Minister Harsh Vardhan.
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- It was carried forward by a network of CSIR labs - Central Electro Chemical Research Institute (CECRI), Indian Institute of Chemical Technology, National Botanical Research Institute, National Chemical Laboratory.
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- The team came up with 3-4 formulations and looked at 30-40% of active materials which reduce particulate matter.
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- CSIR-CECRI has developed flower pots by using “eco-friendly materials” that can potentially reduce particulate matter by 40%.
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- CSIR-NEERI is testing the efficacy of bijli crackers by “eliminating the use of ash as desiccants”.
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- Potential sound-emitting functional prototypes that do not emit sulphur dioxide were also developed.
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- These crackers are named as Safe Water Releaser (SWAS), Safe Thermite Cracker (STAR) and Safe Minimal Aluminium (SAFAL).
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- These have the unique property of releasing water vapour and/or air as dust suppressant and diluent for gaseous emissions.
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- The Petroleum and Explosives Safety Organisation is testing and analysing these crackers for safety and stability.
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What next?

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- An emissions testing facility has been established at CSIR-NEERI.
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- This will test conventional and green crackers and monitor them for emissions and sound.
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- E-crackers or electric crackers are also being tested by a CSIR-CEERI team.
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- However, feedback from manufacturers has not been encouraging as they feel it would sound like listening to a recording of firecrackers instead.

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Source: The Hindu, Indian Express

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