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Green Crackers in Delhi-NCR – Supreme Court's Guidelines

Green Crackers Latest News

The Supreme Court permitted the conditional use of certified green firecrackers in Delhi-NCR on November 7 and 8, recognising the religious and emotional significance of Deepavali while emphasising the constitutional obligation to protect public health and the environment.

Supreme Court's Conditional Permission for Green Crackers

A Bench comprising Justices M.M. Sundresh and Prasanna B. Varale allowed the bursting of certified green firecrackers in Delhi-NCR during specified hours on November 7 and 8.

The permitted time windows were:

Morning: 6 a.m. to 7 a.m.

Evening: 8 p.m. to 10 p.m.

The Court imposed additional restrictions to protect vulnerable groups and sensitive locations:

Firecrackers were prohibited within a 300-metre radius of hospitals, nursing homes, primary and district health centres, old-age homes and notified silence zones.

Educational institutions were also covered by the restriction.

These areas were to be declared and marked as 'no-cracker zones', with their locations made publicly available.

The Court emphasised that celebrations should not come at the cost of environmental degradation and public health.

Religious Practices and Constitutional Limitations

The Supreme Court acknowledged that bursting firecrackers during Deepavali has religious and cultural significance. It also recognised the festival's social, psychological and emotional importance.

However, the Court clarified that the right to practise religion is not absolute.

Article 25 and Public Health

Article 25(1) of the Constitution guarantees freedom of conscience and the right to freely profess, practise and propagate religion. However, this freedom is subject to: Public order, Morality, Health & Other provisions of Part III of the Constitution.

The Court held that a religiously associated practice cannot extend beyond these constitutional limitations when it causes harm to public health and the environment.

Article 21 and the Right to a Healthy Environment

Article 21 guarantees the right to life and personal liberty. The Supreme Court has interpreted this provision to include the right to a healthy, safe and pollution-free environment.

The Court highlighted that unregulated firecracker use contributes to severe air and noise pollution and generates solid waste. It particularly affects children, persons with disabilities and the elderly, who are among the most vulnerable groups.

The constitutional framework therefore requires balancing religious freedom with the right to life, health and environmental protection.

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Environmental and Public Health Concerns

The Court observed that unregulated firecracker use during Deepavali has repeatedly contributed to sharp increases in the Air Quality Index (AQI) and pollution levels in Delhi-NCR.

Particulate matter released through fireworks is particularly concerning because microscopic particles can enter the human respiratory system and cause substantial harm.

The Court also noted that noise pollution and solid-waste generation add to the environmental consequences of celebrations.

Historical Context of Deepavali Celebrations

The Supreme Court observed that Deepavali has evolved into a national and even international festival, celebrated across communities and religions.

It also referred to ancient Hindu scriptures, including the Skandapurana and Padmapurana, which described the use of lamps as a ritual during Deepavali.

According to the Court's observations, the introduction of gunpowder in India led to the subsequent adoption of firecrackers as part of celebrations.

This historical discussion formed part of the Court's examination of the relationship between religious traditions and changing practices.

Regulation of Green Crackers and Their Sale

Alongside permitting limited use, the Supreme Court issued directions to regulate the manufacture, distribution and sale of firecrackers.

Certification and Manufacturing

Only manufacturers certified by the Council of Scientific and Industrial Research-National Environmental Engineering Research Institute (CSIR-NEERI) and the Petroleum and Explosives Safety Organisation (PESO) were permitted to manufacture green crackers between November 2 and November 6.

Green crackers had to be packed in sealed boxes and kept separate from unauthorised or conventional firecrackers.

Manufacture and sale of firecrackers joined in series, commonly known as ladis or garlands, were prohibited.

Sale and Identification

Only firecrackers carrying product-specific QR codes were permitted to be sold. This requirement was intended to improve product identification and help distinguish authorised green crackers from unauthorised products.

The Court also permitted the temporary restoration of cancelled licences of traders between November 4 and November 6.

Financial Security and Enforcement

Manufacturers and traders operating in Delhi-NCR were directed to furnish monetary security, with the authorities required to determine an appropriate amount.

These measures were intended to strengthen accountability and discourage the sale of conventional or unauthorised firecrackers.

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Enforcement Challenges and Regulatory Gaps

The Supreme Court expressed dissatisfaction with the State's failure to effectively implement restrictions imposed through earlier court orders dating back to 2015.

It observed that the complete ban on firecrackers had not achieved its intended objective. Instead, it had facilitated illegal sales and prevented consumers from purchasing legitimate green crackers.

The Court also referred to significant increases in AQI levels around Dasara, indicating that pollution concerns were not limited to Deepavali.

The observations highlight a broader governance challenge: environmental restrictions require effective monitoring, enforcement and coordination among regulatory authorities, manufacturers, traders and law enforcement agencies.

