

Environment Protection and Religious Activites-Legal Control on Firecrackers and Idol Immersion

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Abstract- Environment protection concerns is raising India with religious practices that involve high level of pollution-bursting crackers, immersion of idols in water bodies. While Article 25 of the Constitution which deals with Right to religious, it is not absolute. It is subjected to public order, morality and health and other provisions of Part III. At same time, Article 21 deals with right to life which include right to safe and healthy Environment Therefore balance must be maintain between religious freedom and environmental protection.

Under Article 25, Supreme Court has adopted 'essential religious practices 'which protects only core practices without which religion cannot exist. Practices which harm public health or damage environment is not Essential Religious practices e.g. bursting crackers etc. are cultural additions not essential. Hence, such practices lawful curtailed to protect environment without infringing genuine religious freedom.

The Supreme Court and High Court has evolved balancing approach to prevent ecological harm in name of traditions. Such religious practices cause air toxicity, noise pollution, economic degradation and deterioration of water quality. In famous case Arjun Gopal v Union of India (2018), it shows Judiciary has adopted precautionary principles rather than prohibiting.

Measure such as time restrictions on firecrackers use, green cracker use creation of artificial ponds for immersion are taken. There is various statutory framework for environmental protection- Environment Protection Act 1986, The Air (Prevention and Control of pollution) Act,1981 etc. Despite regulations and judicial decisions, use of polluting material persist. It may be due to combination of cultural, psychological, economic and institutional factors which make prohibition difficult to implement. It is our fundamental duty under Article 51A (g). This can be curb with legal enforcement together with educational and technological method.

Keywords—Article 21(right to life), Article 25(Right to religion), economic friendly practices ,Environment Protection, Judiciary balancing approach.

I. INTRODUCTION

India is pluralistic society where people follow diverse religion and constitution guarantees every individual freedom to profess, practice, propagate religion. However, there are various religious activities that adversely affect environment and wellbeing of others.

Activities such as bursting fire crackers, burning incense sticks, droop causing air pollution. Use of loudspeaker during arti, Azaan, kirtans, religious possessions with drum causing noise pollution. Immersion of idols, disposal of flowers, religious waste, ritual bathing and mass bathing during religious congregation, immersion of ashes etc. causes water pollution. In year 2025, in the largest gathering of Mahakumbh where millions of people step in scared water, CPCB report reveals high level of fecal coliform bacteria at various locations along Sangamⁱ. Similarly, in Chatt Pooja devotee immersion offering leads to water pollution.

This situation leads to conflict of Article 25 and right to clean peaceful and healthy life guaranteed under Article 21. Consequently, the need arises reasonable legal regulations to balance religious freedom with environmental protection.

II. CONSTITUTIONAL AND STATUTORY FRAMEWORK

The right to live is a fundamental right under Article 21 of the Constitution. This includes the right to a pollution-free environment. The Supreme Court majorly favor right to environment including within ambit of Article 21. This interpretation begins with Maneka Gandhi caseⁱⁱ which broaden meaning of "life" beyond physical existence.

In Subhash Kumar v. State of Biharⁱⁱⁱ, the Supreme Court recognized pollution-free water and air as integral to Article 21.

Article 48A impose duty on state to protect and improve environment, while Article 51A (g) impose fundamental duty on citizens

Article 25 gives individual to profess, practice religion of their choice. Subject to public health, order and morality

III. DOCTRINE OF ESSENTIAL RELIGIOUS PRACTICES

The Doctrine first evolved in Shirur Matt case^{iv}. The Court held that it practices under Article 25 will cover only those practices which are essential integral to the religion and Court itself is responsible to determine essential and non-religious practices. It ensures religious freedom is protected with social welfare legislation. Religious freedom is subject to public order, morality and health.



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In the case of *Church of God (Full Gospel) v K.K.R. Majestic Colony Welfare Association^v*, the court held that loudspeaker and noise even for religious purpose are not essential religious practices.

Idol immersion and burning of firecrackers not expressly declared as non-essential religious practices but it has controlled it through various constitutional, statutory and environmental law principles.

IV. ENVIRONMENTAL PROTECTION UNDER BNS

Section 270: Public Nuisance defines a public nuisance as any act or illegal omission causing common injury, danger, or annoyance to the public.

Section 279: Fouling water of public spring or reservoir penalizes contaminating public water sources, with increased punishment.

Section 280: Making atmosphere noxious to health punishes actions that make the air harmful to health, with an enhanced fine.

V. CONFLICT BETWEEN RELIGIOUS FREEDOM AND ENVIRONMENTAL PROTECTION

The conflict between religious freedom and environmental protection arises when the exercise of religious practices results in environmental harm affecting public health, peace, and ecological balance. Article 25 of the Constitution of India guarantees freedom of conscience and the right to profess, practice, and spread religion. However, this freedom is not absolute. It is limited by public order, morality, and health. Environmental protection, which directly impacts public health and quality of life, therefore constitutes a valid ground for imposing reasonable restrictions on religious activities.

When religious practices such as excessive use of loudspeakers, bursting of firecrackers, or idol immersion cause air, noise, or water pollution, they infringe upon the fundamental rights of others to live peacefully and with dignity. In such situations, the State is constitutionally empowered to regulate these activities. Thus, the judiciary has adopted a balancing approach, ensuring that religious freedom is respected while simultaneously safeguarding environmental rights under Article 21. The consistent judicial position is that religious practices may be regulated, but not prohibited arbitrarily, when such regulation is necessary to protect public health and the environment.

VI. LEGAL REGULATION OF FIRECRACKER

In the landmark case of *Arjun Gopal v Union of India^{vi}* Supreme Court emphasizes the right to breathe clean air as integral right to life under Article 21. The PIL was filed to challenge unchecked use of firecrackers and its impact. The Supreme Court imposed ban on firecrackers its manufacturing and selling until formation of green cracker framework emerged and relaxed ban to some extent. The Court assumed that burning crackers during Diwali is a religious practice. It ruled that Article 25 is subject to Article 21. If a particular religious practice threatens people's health and lives, it does not get protection under Article 25. In any case, a balance can be achieved by allowing the practice, but only under conditions that ensure no or minimal impact on health.

The Court referred to *Vellore Citizen's Welfare Forum v. Union of India^{vii}*, and held- The environmental protection, part of Article 21, takes precedence over the right to conduct business stated in Article 19(1)(g). The right to health is recognized as part of Article 21 of the Constitution and, therefore, is a fundamental right. This issue is important. We aim to balance the two rights: the rights of the petitioners under Article 21 and the rights of manufacturers and traders under Article 19(1)(g).

The Supreme Court through series of cases of *Mc Mehta v Union of India^{viii}*, and *NGT in Vardhaman kaushik v Union of India^{ix}* are landmark in terms initiating institutions action on air pollution.

The directions issued by the Supreme Court on October 2025 in *M.C. Mehta v. Union of India* and connected matters represent a calibrated continuation of its long-standing environmental jurisprudence, particularly the approach first crystallized in *Arjun Gopal v. Union of India* (2018). While recognizing the cultural and religious significance of firecracker use during Diwali, the Court consciously adopted a doctrine of proportionality, seeking to harmonize the freedom of conscience and religion under Article 25 with the non-derogable right to life, health, and a pollution-free environment under Article 21. The order thus does not impose a blanket prohibition but permits limited use, subject to stringent regulatory safeguards designed to minimize environmental and public health harm^x.

As a temporary measure, the Court allowed the bursting of firecrackers in the NCR strictly subject to compliance with detailed conditions. First, only "green crackers" as approved by CSIR-NEERI were permitted to be manufactured, sold, and used in the NCR.

The Court expressly prohibited the manufacture, sale, and use of joined firecrackers or series crackers, recognizing their disproportionately higher emissions and noise levels. Further, the sale of firecrackers was restricted exclusively to licensed traders, with a corresponding obligation on the NCR State Governments, the GNCTD, and PESO to ensure that such traders sold only permitted products. In a clear attempt to curb unregulated distribution, the Court categorically banned online sales, directing that no e-commerce platforms, including major marketplaces such as Amazon and Flipkart, should accept orders or effect online delivery of firecrackers in the NCR.

In parallel, the Court imposed affirmative obligations upon manufacturers. Manufacturers were directed to ensure that only NEERI- and PESO-approved firecrackers were produced and sold in the NCR. Each manufacturer was required to develop product-specific QR codes and submit the same to PESO and the respective State Pollution Control Boards, including the Delhi Pollution Control Committee (DPCC). An undertaking was mandated to be filed before PESO and the NCR State Governments/GNCTD affirming that only approved firecrackers were being manufactured and sold, along with disclosure of steps taken to ensure verification of authenticity by both authorities and the general public. To maintain scientific accountability, manufacturers were further required to conduct regular sample testing to confirm compliance with NEERI emission standards and submit periodic reports to the SPCBs/DPCC. Detailed record-keeping of the quantity and types of firecrackers manufactured and sold in the NCR was also mandated, with such records to be made available for inspection by competent authorities.

The Court also delineated strict enforcement responsibilities for PESO, the NCR State Governments, the GNCTD, and allied agencies. These included the initiation of strict penal action against manufacturers found producing or selling unapproved firecrackers, including suspension of manufacturing licenses. Manufacturing units and selling premises found in violation were to be closed immediately as a precautionary measure. PESO was specifically directed to ensure that only firecrackers containing permitted chemicals were possessed, sold, or used, thereby reinforcing chemical safety as an integral component of environmental protection.

The patrolling teams were mandated to conduct regular reconnaissance at designated sale sites to ensure that only permitted QR-coded products were sold. They were also authorized to collect random samples for analysis and transmit the same to PESO.

Upon detection of violations, liability was to attach directly to those involved in the manufacture or sale of prohibited products, attracting not only penal consequences but also automatic cancellation of licences or registrations granted by PESO or NEERI.

Collectively, these directions underscore the Supreme Court's role as a constitutional balancer, employing regulatory precision rather than absolute prohibition. The order reinforces that environmental protection is not antithetical to religious freedom but is an essential condition for its sustainable exercise, affirming that public health, ecological integrity, and cultural practices must coexist within the bounds of constitutional reasonableness.

VII. LEGAL REGULATION OF IDOL IMMERSION

The idol immersed in water bodies is made up of harmful chemicals. It contains chemical like plaster of Paris, lead, aluminum chromium etc. which effect marine biodiversity. Plaster of Paris affect water both chemically and environmentally. It blocks fish gills and effect breathing the idols are painted with poisonous dyes that lead to toxicity.^{xi}

A. General Guidelines for Idol Immersion^{xii}

1. Idols should exclusively be created from natural materials that are specified in sacred texts.
2. The use of traditional clay should be promoted, while baked clay, plaster of Paris, and similar substances should be avoided.
3. The painting of idols should be discouraged. If painting is necessary, only natural dyes that are water-soluble and non-toxic should be utilized.
4. The use of toxic and non-biodegradable chemical paints must be strictly forbidden.
5. Worship materials such as flowers, clothing, and decorations should be removed prior to immersion.
6. Biodegradable items ought to be gathered separately for composting or recycling purposes.
7. Non-biodegradable items should be designated for separate collection and sent to sanitary landfills for disposal.
8. Clothing can be given to nearby orphanages as donations.

B. General Guidelines for Local Bodies / Authorities

1. Designated idol immersion sites should be identified and notified well in advance to avoid overcrowding and pollution.
2. Public and pooja committees should be informed through awareness programs, preferably one month before immersion.

3. Stakeholders such as River Authorities, Port Authorities, Water Supply Boards, and Irrigation Departments should be consulted while selecting immersion sites.
4. A coordination committee comprising police, NGOs, local authorities, SPCBs, and pooja committee representatives should be constituted.
5. Burning of solid waste (flowers, clothes, decoration materials, etc.) at immersion sites should be strictly prohibited
6. Leftover materials at immersion sites should be collected and disposed of within 48 hours.
7. Temporary enclosed ponds with earthen embankments can be built for the purpose of immersion in rivers and lakes.
8. Supernatant water should be released only after checking color and turbidity; lime may be added if required.
9. Pooja organizers should be involved in awareness campaigns on the harmful effects of toxic coloring materials.
10. Posters and leaflets should be displayed and distributed to spread mass awareness among devotees.

VIII. CONCLUSION

Religious practices play a crucial role in the social and cultural fabric of India, and the Constitution appropriately ensures freedom of religion through Article 25. Nevertheless, this freedom is not without limits and must be exercised in accordance with public order, morality, and health. Environmental protection, which is now recognized as part of the right to life under Article 21, creates a constitutional duty for the State to oversee and regulate activities that lead to air, noise, and water pollution, even if those activities are of a religious nature. The legal control imposed on firecrackers and idol immersion reflects a balanced judicial and legislative approach that seeks to harmonize religious freedom with environmental sustainability. Courts have consistently held that practices causing serious environmental harm cannot be justified as essential religious practices. Rather than prohibiting religious observances, the law aims to regulate them through reasonable restrictions, eco-friendly alternatives, and administrative safeguards.

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