Digitally signed by PRASHANT VILAS RANE
PRASHANT VILAS RANE
Date: 2026.10.15 21:14:15 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUO MOTU PUBLIC INTEREST LITIGATION NO. 01 OF 2026
with
INTERIM APPLICATION (L) NO.35677 OF 2026(Not on Board)

In Re: Noise and Environmental Pollution; Public Nuisance caused by unregulated use of Music Systems with Amplifiers and Firecrackers on Public Streets During Festivals.

1. **State of Maharashtra** through the Commissioner of Police (Traffic),
2. **The Secretary, Urban Development Department,** State of Maharashtra,
3. **Maharashtra Pollution Control Board (MPCB),** under the administrative control of the Environment and Climate Change Department, Government of Maharashtra,
4. **The Commissioner, Municipal Corporation for Greater Mumbai.** ...Respondents

AND
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.59 OF 2026
WITH
INTERIM APPLICATION (ST) NO.29207 OF 2026

Akshay Guatamrao Bikkad & Anr. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

AND
CRIMINAL WRIT PETITION NO.4995 OF 2026

Ajay Mansukhlal Chauhan. ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr. Aspi Chinoy, Sr. Adv. a/w Mr. Anand Pai with Ms. Lavanya Panicker as Amici.
Mr. Anil Sakhare, Sr. Adv. a/w Mr. Manish Kelkar, Ms. Gauri Phadake for Petitioner in PIL/59/2026.
Mr. Kaushik Mhatre a/w Ms. Manjiri Parasnis, Mr. Sanket Dhawan & Ms.

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

Samiksha Lokhande for Petitioner in Cri. WP/4995/2026.
Mr. Rajendra Desai a/w Mr. Krishna D. Ratnaparkhi, Mr. Kunal Bhanage, Mr. Akshay Pawar, Mr. Faiz Ali Khan for Applicant/Intervenor in IAL/35677/2026
Mr. Vilas Deshmane a/w Mr. Ajay Deshmane for Petitioner in PIL/1/2009 and for Intervenor.
Dr. Milind Sathe, Advocate General with Smt. Anjali Helekar, G. P., Smt. Jyoti Chavan, Addl. G. P. For State (Original Side).
Dr. Milind Sathe, A. G. a/w Mrs. Neha S. Bhide, G. P. a/w Mr. Onkar, A.Chandurkar, Addl. G. P., Ms. G.R. Raghuwanshi, AGP For State (Appellate Side).
Ms. M. M. Deshmukh, Addl.PP for State in Cri. W. P. 4995/2026.
Ms. Jaya Bagwe for R. No. 3 (M.P.C.B.).
Dr. Salil Save, Jr. Scientific Officer Present
Ms. Oorja Dhond i/b Ms. Komal R. Punjabi for B. M. C.
A.C.P. Prabha Raul, P.S.I. Chavan, Atif Noor Hasan Shaikh, Law Officer
For Mumbai Police Commissionerate present.

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 15 OCTOBER 2026

P.C.

1. The present *Suo Motu* proceedings were initiated on the questions of immense significance concerning noise and environmental pollution and the public nuisance caused by the unregulated use of music system with amplifiers accompanied with the bursting of fire crackers on public street during festivals. In the order dated 21 September 2026, this Court observed that there cannot be any objection to the festivities/processions being held, however, they need to be held in a manner, which is conducive and cognizant of the rights of the citizens at large. The Court also observed that the celebrations certainly need to take place, however, they cannot be at the cost of breaching the legal and constitutional rights of thousands of citizens, who are seriously and adversely impacted, and who are left to suffer silently, on account of such high levels of noise pollution, and more particularly, when such citizens include senior citizens; those who are ailing/sick,

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

students preparing for examinations and children who cannot sustain the impact of such high level of noise pollution, to say the least. The Court observed that such innocent persons cannot be made to suffer at the behest of few, who create such objectionable noise and air pollution generated by the music systems, loudspeakers and amplifiers etc. and bursting of fire crackers. In paragraphs 5 and 7 the following observations were made by the Court in relation to bursting of fire crackers:-

> "5. Most significantly, we are at a loss to understand, as to why firecrackers generating smoke and adding to the deterioration of air quality at alarming levels, are permitted to be burst/burnt during such festivities, which would add not only to the severe environmental/air pollution in the city, which is already facing such environmental challenges affecting the health of the public at large. Such bursting of firecrackers and the noise generated therefrom also adds to the noise pollution already being generated by the loudspeakers and amplifiers. In addition to this, there is an eminent danger of accidents taking place on account of cars, two wheelers and pedestrians who are affected by sudden noise and explosion caused by bursting of firecrackers on public roads.
>
> .. … …
>
> 7. In regard to the high levels of air pollution generated in the city of Mumbai, already this Court has taken suo motu cognizance in Suo-motu PIL No. 3 of 2023 and various orders are passed from time to time so as to control air pollution. The Municipal Corporation and other authorities are struggling to reduce such high levels of smoke and pollution, and more particularly, being caused from the months September-October (post monsoon), whereby persistent haze is noticed. Considering the indisputable severity of the air pollution in Mumbai, prima facie it is high time that firecrackers causing noise and air pollution leading to the toxicity of the air are banned, so as to nurture healthy environment by reducing the severe ill effects caused by such pollution. No responsible citizen can be permitted to pollute atmosphere, including to create noise pollution by burning firecrackers, which certainly enhances the toxicity of the air causing severe air pollution."

2. The proceedings were thereafter heard by the Court on 22 September 2026. Considering the statutory regime governed by the **Noise Pollution (Regulation and Control) Rules, 2000** and more particularly Rule 3 governing ambient air quality standards in respect of different areas/zones and other relevant Rules, as quoted in paragraph 3 of the said order, on decibel levels, being violated including qua the noise pollution generated by bursting of firecrackers, the Court

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

made the following observations:-

"4. It is clear that the District Magistrate, the Police Commissioner and any other officer not below the rank of the Deputy Superintendent of Police, as designated for the maintenance of the ambient air quality standards in respect of noise are the designated authorities relevant for the purpose of the said rules. Further, it is the obligation of the designated authorities to maintain the ambient air quality standards of noise for different area zones as specified in the Schedule, which includes that the State Government shall take all measures for abatement of noise including noise emanating from vehicular movements, blowing of horns, bursting of sound emitting firecrackers, use of loud speakers, or public address systems and sound producing instruments, to ensure that the existing noise levels do not exceed the ambient air quality standards specified under the said Rules. The specific obligation on the development authorities, local bodies, and other concerned authorities to take into consideration all aspects of noise pollution as a parameter of quality of life, to avoid menace and to achieve the objective of maintaining the required standards in respect of noise, is clearly borne out by sub-rule (4) of Rule 3. Also, an area comprising of not less than 100 mtrs. around hospitals, educational institutions, courts, declared as silence zones, becomes a significant consideration in the context of the implementation of the said Rules during festivities in regard to the noise pollution as may be generated in the vicinity of the said zones. These are critical areas of regulation and control.

7. Further, Rule 5A provides for "Restrictions on the use of horns, sound emitting construction equipments and bursting of firecrackers" *inter alia* providing that sound emitting fire crackers shall not be burst in silence zone or during night time and further that sound emitting constructions equipments shall not be used or operated during night time in residential areas and silence zones. Rule 6, 7 and 8 are the plenary provisions, providing for 'consequences of any violation in silence zone area', 'the mechanism of complaints to be made to the authority' and 'power to prohibit etc. continuance of music, sound or noise'.

8. We find that the said rules have been a subject matter of consideration in several proceedings, which have reached the Court and orders/judgments passed. It would be imperative to note some of the relevant decisions in this regard.

In the case of Noise Pollution (V) in Re[1], the Supreme Court was considering the issues of far-reaching implications in day-to-day life of the people of India relatable to noise pollution vis-a vis right to life enshrined in Article 21 of the Constitution as interpreted in its wide sweep by the Constitutional Courts of the country. It is in such context, the Supreme Court considered the concept of what would be meant by "noise" as defined under the statutory provisions which stands included in the definition of 'air pollutant' as defined in section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981. The Court considered noise as nuisance and health hazard which included issues of hearing loss, disturbance of sleep, annoyance, effect on performance, psychological effects, the possible clinical manifestations of stress concomitant with noise, namely, galvanic skin response, increased activity related to ulcer formation, changes in intestinal motility, changes in skeletal muscle tension, subjective response irritability, perception of loudness, increased sugar, cholesterol and adrenaline, changes in heart rate, increased blood pressure, increased adrenal hormones, etc. It was also observed that investigations have revealed that the blood vessels which feed the brain, dilate in the presence of noise, this being the reason why headaches result from listening to persistent high noise. Further, prolonged chronic noise can also produce stomach ulcers etc. The

1 (2005) 5 SCC 733

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

Court also considered what sources of noise pollution and more specifically the noise pollution in the context of fire works, to observe that use of fireworks has led to air pollution in the form of noise and smoke. It was observed that their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution. Reiterating the law as laid down by the Supreme Court that the citizen has a right to leisure, right to sleep, right not to hear and right to remain silent and that he has the right to read and speak with others. It was observed that because of the tremendous sound and noise, the citizens cannot exercise all these fundamental rights. Most significantly it was observed that firecracker noise is an "impulsive noise" and is "hazardous" and that bursting of firecrackers can lead to non-recoverable hearing loss. **The observations and directions as made by the Supreme Court in the context of firecrackers and loudspeakers, which reads thus:**

> *"IV. Noise pollution in the special context of fireworks*
>
> **46.** Fireworks are used all over the world to celebrate special occasions. In India, fireworks are burst on festivals like Dussehra, Diwali and on special occasions like social gatherings, marriages, Independence day, Republic day, New year day, etc. In other countries of the world, fireworks are generally burst either on the New Year day or on the birthday of their respective countries. However, bursting of firecrackers is a health hazard since it is responsible for both air pollution and noise pollution.
>
> **47.** The use of fireworks has led to air pollution in the form of noise and smoke. Their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution.
>
> **48.** It has been held in the case of *Om Birangana Religious Society* v. *State* that the
>
> "Freedom of speech and expression guaranteed under Article 19(1)(*a*) of the Constitution of India includes, by necessary implication, freedom not to listen and/or to remain silent. A citizen has a right to leisure, right to sleep, right not to hear and right to remain silent. He also has the right to read and speak with others."
>
> Because of the tremendous sound and noise, the citizens cannot exercise all these fundamental rights.
>
> **49.** It has been seen that firecracker noise is an impulsive noise and is hazardous. Bursting of a firecracker near the ear can lead sometimes to non-recoverable hearing loss.
>
> **50.** Diwali is the most important festival of India. The bursting of firecrackers during this period is a widespread practice. The unpredictable, intermittent and impulsive noise produced by bursting of crackers all around, turns the festival of lights into a cacophony of noise. [Ambient noise-level and Air-quality status in Delhi during Diwali Festival days 1999-2002, published by Central Pollution Control Board, October 2003.] People are unable to even sleep due to this excessive noise pollution. Several people are injured due to the noise produced by firecrackers every year.
>
> **51.** Firecrackers not only increase the ambient noise level but also contribute significantly in increasing the air pollution by means of toxic gases and particles due to their blast wave resulting from a rapid release

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

of energy.

52. In order to assess the situation of noise pollution caused by firecrackers at the time of Diwali the Central Pollution Control Board (CPCB) has been conducting ambient noise level monitoring during Diwali festival regularly at various locations in Delhi since 1993, to find increased ambient noise level caused by intensive burning of crackers. As in the past, the noise and air-quality monitoring have been carried out in the years 1999, 2000, 2001, and 2002. The noise monitoring locations have been selected to cover almost all areas of Delhi.

53. An analysis of the reports prepared in the years 1999, 2000, 2001, and 2002 reveals that the ambient noise level on Diwali day exceeded the limit at almost all the places during these years. The noise level was higher during Diwali-2000 as compared to the values recorded during Diwali festival in the years 1999, 2001, and 2002.

54. The percentage of violation in Leq [N.B. — Equivalent Continuous Sound Pressure Level, Leq is the level of that steady sound which over the same interval of time, contains the same total energy (or dose) as the fluctuating sound. Equivalent continuous sound-level has gained widespread acceptance as a scale for the measurement of long-term noise exposure.] noise level varied from 2 to 49% in the year 2002, 12 to 55% in the year 2001, 11 to 58% in the year 2000 and 22 to 47% in the year 1999 with respect to the daytime standards at all the areas.

55. The ambient noise level during the years 1999 to 2002 on Diwali festival, exceeded the limit at all places in every year and the percentage of violation varies from 2% to 58%. Thus, the study does reveal that the noise levels that have been measured on all these occasions have been more than the prescribed norms. This is a point of worry as it has been discussed that noise pollution does tend to have adverse effects on a person. Thus immediate steps in this direction need to be taken.

56. The problem of noise pollution due to firecrackers is not only limited to India. Similar problems are being experienced in other countries as well. In fact in the United Kingdom, in Nottingham the "Be Safe Not Sorry" campaign was launched after the post was inundated with letters from readers to the newspaper saying they were fed up with the noise, nuisance and the distress that fireworks cause.

XII. Directions

It is hereby directed as under:

(*i*) *Firecrackers*

174. 1. On a comparison of the two systems i.e. the present system of evaluating firecrackers on the basis of noise levels, and the other where the firecrackers shall be evaluated on the basis of chemical composition, we feel that the latter method is more practical and workable in Indian circumstances. It shall be followed unless and until replaced by a better system.

2. The Department of Explosives (DOE) shall undertake necessary research activity for the purpose and come out with the chemical formulae for each type or category or class of firecrackers. DOE shall

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

specify the proportion/composition as well as the maximum permissible weight of every chemical used in manufacturing firecrackers.

3. The Department of Explosives may divide the firecrackers into two categories— (*i*) sound-emitting firecrackers, and (*ii*) colour/light-emitting firecrackers.

4. There shall be a complete ban on bursting sound-emitting firecrackers between 10 p.m. and 6 a.m. It is not necessary to impose restrictions as to time on bursting of colour/light-emitting firecrackers.

5. Every manufacturer shall on the box of each firecracker mention details of its chemical contents and that it satisfies the requirement as laid down by DOE. In case of a failure on the part of the manufacturer to mention the details or in cases where the contents of the box do not match the chemical formulae as stated on the box, the manufacturer may be held liable.

6. Firecrackers for the purpose of export may be manufactured bearing higher noise levels subject to the following conditions: (*i*) the manufacturer should be permitted to do so only when he has an export order with him and not otherwise; (*ii*) the noise levels for these firecrackers should conform to the noise standards prescribed in the country to which they are intended to be exported as per the export order; (*iii*) these firecrackers should have a different colour packing, from those intended to be sold in India; (*iv*) they must carry a declaration printed thereon something like "not for sale in India" or "only for export to country AB" and so on.

.....…

178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipment as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air-quality standards in respect of noise for different areas/zones, categorisation of the areas for the purpose of implementation of noise standards, authorising the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.

14. It is also a common grievance that added to this is the noise and air pollution generated by bursting of fire crackers on public streets which by no rationale can be held to be a permissible activity and that too, to be undertaken on the roads, streets, lanes etc. and which according to them, is totally unregulated. As to which are these fire crackers, whether they generate smoke, what are the decibel levels of the noise generated by bursting of these firecrackers, what are the other hazards which are likely by the use of the firecrackers are issues of serious public concerns, when such bursting of fire crackers are permitted on public roads and streets. The bursting of fire

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

crackers in private places and in the manner as understood by the Regulations would be something different from what is being complained, however, certainly, it would be within the restrictive ambit of decibel levels the use of firecrackers would generate.

… … ..

17. On the aforesaid conspectus, the question which arises for consideration, and more particularly, considering the present deteriorating situation we face, is as to whether the authorities are at all implementing the requirements of Rules by taking appropriate measures or whether such Rules are followed in breach in the cities, with which we are concerned namely Mumbai, Thane, Pune and Nashik.

… … …

19. Further, we find much substance in the contention of Mr. Chinoy, learned Amicus Curiae that there needs to be an absolute ban on the bursting of fire crackers in such processions where already musical instruments are being used and more particularly, even in the private areas and silent zones. In regard to bursting of firecrackers during night time, the same is regulated by Rule 5A(2) the following has been prescribed:

> "Rule 5-A Restrictions on the use of horns, sound emitting construction equipments and bursting of fire crackers.
> … … ..
> (2) Sound emitting fire crackers shall not be burst in silence zone or during night time."

.. … … ...

21. We are of the clear opinion that these violations happen as those indulge in the noise violations are least bothered about the rights of the citizens in large and the effect of the noise pollution they create, which are harmful and hazardous to the senior citizens; to those who are ailing/sick; students preparing for examinations and children who cannot sustain the impact of such high level of noise pollution, as observed by us in our earlier order.

22. We are also seriously concerned with the level of air pollution that would be generated by the bursting of firecrackers on public streets, including other hazardous firecrackers, where pedestrians walk and two-wheelers and cars ply and the dangers of any accidents taking place by abrupt bursting of firecrackers. We are also concerned with the potential hazards caused by the bursting of firecrackers, including firecrackers generating noise pollution in excess of the prescribed decibel limits. This, more particularly, as none of the firecrackers which are openly available being used on the basis of any indication of the permissible decibel levels or the level of noise pollution, that would be generated, upon the bursting of such firecrackers. There also appears to be no norms being implemented qua the extent of toxicity of the smoke generated upon their bursting. This, prima facie, appears to be an unregulated area. The toxicity of pollution being generated by the firecrackers and the cumulative effect it has on the air quality is a serious health hazard, also harmful to every person who is participating in such events. These concern cannot be taken too lightly and stringent actions are required to be taken so as to prevent the pollution by fire crackers, this more particularly, as observed by us in the earlier order that the Municipal Corporation and other

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

authorities are struggling to reduce such high levels of smoke and pollution, and more particularly, being caused from the months September-October (post monsoon), whereby persistent haze is noticed and to maintain ambient air quality in the city itself is challenge.

….. … ..

24. Mr. Chinoy would be right in his contention that it cannot be a situation that merely because there are festivities, the mandate in regard to the implementation of the Noise Pollution (Regulation and Control) Rules 2000, is presumed to be non-existent and/or completely relaxed, as if there is no requirement to adhere to any noise pollution norms. Such impression, in our opinion, is certainly true as seen from the total laxity on the part of the enforcement machinery on which there cannot be two opinions, despite any rosy picture being painted by Dr. Sathe of an appropriate implementation of the Rules, when Dr. Sathe recites the mantra of "All is well". We do not agree looking at the ground realities which has at all relevant times in the past been a matter of serious concern in successive proceedings and there is no change in such reality of brazen violations on this count.

25. We may observe that the provisions cannot remain paper provision. Similarly the decisions which are rendered by the Court on all these issues cannot fall to deaf ears. Also the permissions which are granted and the general orders which are issued by the authorities like Police Commissioners cannot remain to be routine formality and rendered ineffective by the inaction of the official machinery, permitting every kind of violation. Further, there cannot be an approach of actions being taken only after complaints are received and only then setting into motion any plenary mechanism. Mr. Chinoy would be right in his contention that the need of the hour, is of a robust preventive mechanism under which the violation of the noise pollution norms is required to be prevented rather than retribution. Thus, there is no warrant in having a mechanism that only after complaints of violation and breaches are made, and only then the official machinery would step in to set into motion to impose petty penalties. This would be a situation when already enormous damage has already been caused, by such violations and persons having already suffered the ill-effects of such violations. This is certainly not what is intended by the Noise Pollution (Regulation and Control) Rules 2000, nor the same would be permissible, if the Rules and the decisions of this Court are to be implemented effectively."

(emphasis supplied)

3. The Court in its order dated 22 September 2026 (supra) issued the following operative directions which were to be implemented by the respondents:

"31. In the light of the above discussion, it is in the interest of justice that the following directions, which are in addition to the orders which have passed and being required to be strictly implemented by the authorities:-

ORDER

(i) There shall be a total ban to the bursting of firecrackers during festivities on public streets, roads, etc. The authorities shall take all measures to implement the said direction and prevent air and noise

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

pollution being generated by the use of firecrackers.

(ii) The authorities shall prohibit/ban the use of laser lights, high intensity lumen lights and beams in the festivities/processions.

(iii) The Police Authorities and the other concerned authorities shall take all necessary steps to measure the decibel levels of the noise pollution being generated by the persons who are granted permissions as also to take stringent actions as per the requirements of law to prohibit unlicensed/unauthorised and illegal activities in the use of sound systems etc.

(iv) On the breaches being noticed, the concerned authorities shall take all appropriate steps to seize the devices/instruments/materials etc. and confiscate such offending devices.

(v) At the time of application for grant of permission being obtained under the relevant rules for use of such devices in regard to the venue / processions etc. for the use of devices generating noise pollution, the organizers shall undertake to install "Decibel Measurement Meters", at every venue/processions etc. to be displayed at a conspicuous place, visible to the regulating authorities and public at large. Also, the applicants seeking such permissions shall furnish an undertaking/affidavit that the sound systems employed at the venue/procession are fitted with internal sound limiters.

(vi) We also direct that at all relevant times, the decibel levels singularly and cumulatively shall be recorded by the designated officials and such record be maintained in respect of the different permissions, which may be granted and when the permissions are being utilized. This shall be recorded in the presence of the appropriate designated officials and in the presence of the representatives of the permission holders.

(vii) The respondents are directed to consider accepting substantial deposits which shall be an amount of not less than Rupees One Lakh in case of an association/group of persons and Rupees Fifty thousand, in case of an individual, as a condition for grant of permissions under the Noise Pollution (Regulation and Control) Rules, 2000, with a condition that in the event of breach of the decibel level either at the venue, in respect of which the permission is granted or in the processions, the deposit shall stand forfeited, in addition to the further action which the law would mandate to be taken against such offending persons.

(viii) The organizers of the festivities are directed to display the permissions granted to them under the Noise Pollution (Regulation and Control) Rules, 2000. The authorities shall ensure that all processions display the said permission granted to them. They shall also display the names and addresses of the persons alongwith their mobile numbers of all such persons involved and responsible to undertake the festivities / processions etc., so that accountability on the violations, if any, can be identified and easily fixed.

(ix) The authorities shall take all necessary action at the point where such procession begins, so that persons undertaking such activities, including the use of musical instruments, loudspeakers, etc., during the festivities/procession, are sensitized to their corresponding obligations towards society at large and maintain the decibel levels as per the prescribed norms. This shall facilitate further action as may be required in accordance with law.

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

(x) The designated authorities shall consider the impact of multiple permissions being granted in one ward on the parameters of cumulative impact of noise pollution in the said area. Without such methodical and scientific assessment, permission cannot be granted, resulting in the breach of Noise Pollution (Regulation and Control) Rules, 2000.

(xi) We expect every citizen to take a responsible position and recognize his individual and collective responsibility to the fellow citizens and the Society at large, on matters relating to generation of noise and air pollution.

(xii) In case of violation of any of the directions given hereinabove, the violators shall be liable for penal actions under the Noise Pollution (Regulation and Control) Rules, 2000 read with the Environment (Protection) Act, 1986, in addition to the prosecution under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 including for public nuisance etc. as well as the Explosives Act, 1884 and other relevant statutes.

(xiii) The breach of the Noise Pollution (Regulation and Control) Rules, 2000 needs to be dealt strictly by the designated authorities, as any breach of these Rules amount to breach of the fundamental rights of the citizens. Thus, all the persons involved not only in the violation but also otherwise would be required to be proceeded as per the directions issued by this Court, the Supreme Court and the mandate of law.

(xiv) This order be circulated to all the concerned authorities in the State of Maharashtra, for necessary action and compliance to be adhered during the festivities."

(emphasis supplied)

4. In the aforesaid backdrop, the proceedings are before the Court today. At the outset, we may clarify that the aforesaid orders passed by this Court are applicable to all the festivities. There cannot be any distinction between different festivities taking place throughout the year, during which issues of noise and air pollution continue to arise and which, according to the authorities, are required to be regulated under the Rules and Regulations, as noted by this Court, in the aforesaid orders. Thus, any impression on the part of the authorities, whether the Police Authorities or the Municipal Authorities, that the order was confined only to the Ganpati festival is not a correct reading of the order, as is clear from its operative part. In other words, it cannot be that during certain festivities or seasons, there would be regulation and control, whereas during other festivities or

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

seasons, there would be none. This is wholly untenable, to say the least. Thus, the order dated 22 September, 2026 applies throughout the year and throughout the State of Maharashtra. The applicability of the orders throughout Maharashtra is also conceded by Dr. Sathe, learned Advocate General.

5. The primary concern of the Court is the danger posed by the environmental pollution being caused by the burning of firecrackers, in regard to which this Court has passed the aforesaid orders dated 22 September, 2026 (supra). This concern assumes greater significance in view of the tremendous haze and smog experienced in major cities such as Mumbai, Pune, Thane, Navi Mumbai and Kalyan-Dombivli during the post-monsoon season, when severe air pollution persists. For the various authorities, namely, the Pollution Control Board, the Municipal Corporations and the State Government, it is a herculean task to control / overcome this menace, which is entirely a human creation. Such air pollution is generated from various sources, some of them being dense industrialisation; construction activities; small industries such as bakeries and other small manufacturing units.

6. Although it is well-settled that the State is required to recognize and implement the polluter-pays principle, we are not aware, having regard to the high levels of pollution in regard to the extent and the manner in which the authoriteis would control such pollution, and as to why the desired results are not being achieved. This would be a subject matter of consideration in appropriate proceedings.

7. The concern today is the existing toxicity in the air, and the substantial

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

addition to such toxicity being created by the burning / bursting of firecrackers during the festivities. It is not disputed at the Bar that on such issues, the citizens need to conduct themselves with a deep sense of awareness and consciousness to the rights of the co-citizens. In the present context, the right of the citizens, which would include children, senior citizens, persons who are sick or ailing and students etc., are adversely affected, not only by the collective noise pollution generated from the haphazard and unregulated burning of firecrackers, during festivities or otherwise, which is in breach of the decibel levels as prescribed under the applicable Rules, but also, by the smoke, fumes and toxic substances released into the atmosphere.

8. The concern before the Court is of the serious adverse impact of such toxic pollution, added to the existing high levels of air pollution. We may observe that the Air Quality Index (AQI) in the city of Mumbai presently is alarming. It is not the case that the authorities are unaware of the high AQI readings, which recently has reached levels of 425 in some parts of the city, even before the Diwali festivities would begin, to be celebrated in the month of November, 2026. In such context, the question arises for consideration is to the extent of this added pollution, that would result from the burning of firecrackers and, more particularly, from the collective contribution of a large number of citizens who, without being conscious of the rights of their fellow citizens, add to the pollution and to the toxicity of the environment. At a given point of time, in several places in the city, even the ability to breathe fresh air becomes a matter of serious concern, affecting the normal life of the citizens, even depriving them of peaceful

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

morning/evening walk.

9. We find that the air pollution generated by the bursting of firecrackers releases a complex mixture of fine particulate matter, toxic heavy metals and harmful gases into the atmosphere. The ingredients of such chemicals used in firecrackers, their functions and their impact on human health, as available in the public domain, are noted hereunder:

Metal Component	Function in Firecrackers	Primary Health Impact
Lead (Pb)	Oxidizer/ flash powder ingredient	Causes central nervous system damage, bioaccoumulates in organs, and impairs cognitive development in children.
Barium (Ba)	Produces bright gree light	Causes respiratory tract irritation, muscle weakness, gastrointestinal distress, and cardiac arrhythmias
Strontium (Sr)	Produces intense red light	Irritates skin and mucosal membranes; linked to bone growth issues with high exposure
Copper (Cu) compounds	Produces blue colors	Irritates the respiratory tract and eyes; excessive exposure damages the liver and kidneys.
Cadmium (Cd)	Produces yellow-orange tints	Highly toxic carcinogen that damages the lungs and kidneys and leads to fragile bones.
Antimony (Sb)	Creates glitter effects	Causes cardiovascular toxicity and persistent skin/eye irritation

10. If the aforesaid impact on health is taken into considertion, certainly it is high time that the citizens become more concerned not only about their own lives and the adverse effects of prevailing air pollution, but also about such severe toxicity caused by the burning of firecrackers.

11. While, burning of firecrackers may be regarded as a means of enjoyment, amusement or expression of celebration, the same cannot be at the cost of societal health. There cannot be a situation in which the toxicity caused by such activities results in children, senior citizens and the persons suffering from ailments

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

requiring medical treatment for short or longer durations. Children and young persons being adversly affected and falling ill on account of pollution by no means is an acceptable reflection of a healthy society. The future generation needs to remain healthy to meet the challenges of contemporary times, rather than spending their time visiting hospitals and receiving medical treatment. The societal cost in terms of such health hazards is too high, to be borne by those who silently suffer the ill-effects of toxic pollution, owing to the activities of a few who are least bothered about the impact of their actions on the society at large. This more particularly considering the alarming levels of pollution at present prevailing. It is in such backdrop,we have heard learned counsel for the parties.

12. Mr. Aspi Chinoy and Mr. Anand Pai, learned *Amici* would submit that it is of extreme importance that the pollution being generated by burning/bursting of firecrackers on both the counts, i.e., in terms of the noise pollution exceeding the prescribed decibel levels and the smoke and toxicity generated are serious issues affecting the citizens at large, as noted by us hereinabove. It is their submission that Right to Life as guaranteed under Article 21 of the Constitution of India, which includes the Right to Pollution Free Environment for all categories of citizens, cannot be breached and/or compromised merely because a segment of the Society is interested to burn firecrackers in the festivities. It is their submission that the health of the citizens at large cannot be adversely affected by uncontrolled/ unregulated activities of persons burning firecrackers all over the city, unmindful of the silence zones, public places like roads, lanes, pavements, footpaths, being utilized for such activities and which in fact turn hazardous by

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

virtually converting the cities into toxic gas chambers. It is submitted that although there are rules and regulations which may control the bursting of firecrackers and the timing/hours when such activities need to be undertaken, the concern is of the collective impact of such activities. It is submitted that no norm, rule, regulation can at all be implemented in the light of the collective impact of the noise and air pollution, being generated by thousands of persons at the same time burning firecrackers. It is hence submitted that the damage to the environment caused by such activities which prove to be hazardous, needs to be appropriately regulated, not only by the authorities but the fellow citizens also need to be conscious of the legitimate rights of the others and more particularly the fundamental right guaaranteed under Article 21 of a pollution free environment. It is hence their submission that the orders dated 22 September, 2026 passed by this Court, which are applicable at all times need to be strictly implemented. The authorities are also required to devise effective mechanisms to not only prevent the pollution, which would be generated by bursting of firecrackers but also set up an effective complaint mechanism. It is also their submission that it is also necessary for this Court to take into consideration the local needs and the prevailing situation of the dangerous levels of pollution in Mumbai and other cities in Maharashtra, which are peculiar to the cities which are creations of the already existing high levels of pollution generated from excessive industries and urbanization and added to such woes is the unregulated use of firecrackers generating smoke leading to air and noise pollution.

13. On the other hand, Dr. Sathe, learned Advocate General not disputing the

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

ill-effects of the toxicity being created to the already existing pollution in the city of Mumbai and other parts of the State, would however submit that the State Government is implementing the rules and regulations even in regard to the sale and use of firecrackers. Dr. Sathe's submission is that there cannot be a blank ban on bursting of firecrackers, however, the same needs to be regulated as per rules. It is submitted that the manufacture of firecrackers is also regulated under the rules framed under the Environment Protection Act and hence what is deemed to be available in the market are firecrackers which are manufactured by the manufacturers as per the norms. It is his submission that speaking of Mumbai, it has a population of 1,50,00,000 and the State Government is not expected to police such large population if they are intended to burst firecrackers. It is also his submission, relying on a compilation as submitted by Ms. Jyoti Chavan, learned Additional Government Pleader that some of the issues, in regard to the ingredients of the materials used in manufacture of firecrackers like barium is subject matter of consideration before Supreme Court in the case of Arjun Gopal, hence the present proceedings need to be deferred awaiting the final orders to be passed by the Supreme Court. However, it is not Dr. Sathe's submission or for that matter of any learned counsel at the Bar that there is any restraint on this Court in considering the local situations, which are hazardous considering the existing levels of pollution and added to the said pollution being the toxic polllution which would be generated by lakhs of people burning firecrackers. He would also not dispute that there is no embargo on the State or the other authorities bringing about a legitimate regime of regulation and control, so as to ensure that pollution levels in the present times and in the months to come, do

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

not turn hazardous by taking all possible preventive steps, as may be permissible in law. It is submitted that it is necessary that the green crackers need to be used so as to control the pollultion. In such context, our attention is drawn to an order dated 2 September, 2026 passed by the Supreme Court in Arjun Gopal (supra).

14. Mr. Sakhare, learned senior advocate for the petitioners in Public Interest Litigation No. 59 of 2026 (Akshay Gautamrao Bikkad & Anr. vs. State of Maharashtra & Ors.) filed by the residents of Pune, has made submissions supporting the contentions as urged by Mr. Chinoy.

15. There is also an Intervention Application moved by learned counsel Mr. Rajendra Desai, on behalf of persons who are fireworks dealers. We are not in any manner concerned with sale of any firecrackers. However, the firecrackers which are being sold need to be as per prescribed norms and striclty as per the licenced conditions. There is equally a social responsbility and obligations to those who sell firecrackers to strictly adhere to the rules, regulations and norms, and more particularly in propogating use of green firecrackers so as to aid and assist in preventing air pollution being generated by use of such category of firecrackers which generate noise and air pollution, as noted by us hereinabove. These intervenors are persons to whom a role can be attributed of being stakeholders who indirectly contribute in generating pollution in selling such firecrackers which generate high levels of noise and air pollution. For such reasons, we permit intervention by the intervenors being impleaded as respondents so that after their application/affidavit is served on all the parties, the parties can be heard on the contentions being raised by the intervenors.

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

16. Having heard Mr. Chinoy, Dr. Milind Sathe, learned Advocate General, Mr. Sakhare, Mr. Desai, we are of the clear opinion that the following are the issues of immense public concern:

(i) As on date, there exists high levels of air polllution in Mumbai and the other cities being generated from several sources, for eg.: pollution generated by large industries which are surrounded by residential and commercial areas; pollution generated by small industries, construction sites, vehicular pollution etc.

(ii) The haze and smog which even make the visibility and normal breathing difficult are the prevailing local conditions. More particularly, in a city like Mumbai which does not have climate conditions of severe cold and which otherwise has sea breeze also does not take away this pollution and the haze and smog persist. This is the seriousness which none can dispute.

(iii) It is not in dispute that, year after year, despite all rules and regulations being available and which can be implemented despite several paper promises, things hardly improve and people continue to suffer and be victims of such environmental pollution.

(iv) Added to such pollution, is the pollution generated by the bursting/burning of firecrackers and which none would dispute, is wholly unregulated, on all aspects, i.e., the kind of firecrackers which would be burnt , the time when they would be burnt, the amount of smoke and fumes the firecrackers would generate, the quantity of firecrackers one person can burst and the lack of studies by the State bodies on the collective impact of

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

thousand and lakhs of people at the same time burning crackers turning the city into a gas chamber.

(v) The Almighty has gifted the human kind with immeasureable riches of nature. The normal expectation is that we do not destroy the natural habitat, which includes maintaining clean and fresh air, non-polluted waterbodies. This can be achieved only when "we the people" are desirous of respecting such concerns and taking effective steps to maintain the environment and keep the same free from pollution and the ill-effects which it would cause to life in every form.

(vi) Article 21 of the Constitution guarantees right to life which includes right to clean and healthy environment. Part IV-A of the Constitution providing for fundamental duties under Article 51A(g) is the duty of the citizen to protect and improve the natural environment. Clause (j) provides for a duty to strive towards excellence in all spheres of individual and collective activiites so that the nation consistently rises to higher levels of endeavour and achievement. Considering such solemn constitutional principles, it would be duty of every citizen to individually and collectively take all efforts to conserve the environment by bringing a regime of pollution free cities, which would not foist the citizens with the ill-effects and diseases caused by pollutions of different kinds. It is this duty and obligation of every citizen towards the Society, is the concern in the present proceedings and in the context of the damage to the societal health caused by toxic air pollution generated by burning of firecrackers, as noted hereinabove.

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

(vii) It is high time that a deeper societal thought is generated on such issues of pivotal importance, this more particularly, it is necessary for the public at large to take a call whether the burning of firecrackers needs to be at all considered to be essential in the light of the severe damage the toxicity of such burning being caused. Even those who are burning firecrackers are not exceptions, even they would also suffer the hazards and ill-effects in whichever form such pollution may strike.

(viii) In the aforesaid backdrop, the concern of the Court is neither, in any manner, affect the celebrations of any festivities, nor is the endeavour of the Court to in any manner delve on the larger issues of ingredients of firecrackers which are issues concerning their manufacturing and/or of any ban on the use of firecrackers. The concern is on the regulation and control of the use of firecrackers as the law would mandate from the perspective of the local conditions as prevailing in the cities, as stated hereinabove. The thought is of sensitivity to be brought about on such issues concerning the adverse impact on the societal health in excessive/ disproportionate/ unwarranted and uncontrolled burning of firecrackers during the festivities.

(ix) Unless the citizens rise to the need of the situation, and become conscious of the long term hazards of living in cities, which for such reason are converted into gas chambers, things would worsen unless the offical machinery does not undertake sensitization, awareness, consciousness on such issues. Failing this, we do not know what is in store for the public at large in future. It is not possible for the citizenary to run away from the cities when faced with such difficult situations. Majority of the population

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

would suffer in *silentio*. Such situations are not expected in the light of the principles of constitutional morality the citizens need to adhere. No citizen can have any right to deprive the fundamental rights of the fellow citizens, of a guarantee of a polllution free environment, which is at the highest pedestal falling under the Right to Life guaranteed under Article 21. It is equally the duty of the State to protect such rights of the citizens by taking all possible steps so that the cities remain pollution free and habitable and not being converted into toxic cities.

17. In the light of the above discussion, we are of the considered opinion that at this stage of the proceedings, the following order would meet the ends of justice:

(i) The order dated 22 September, 2026 passed in the present proceedings shall be applicable throughout the year and to all festivals. Accordingly, there shall be a total ban to the bursting of firecrackers during festivities on public streets, roads, etc. The authorities shall take all measures to implement the said direction and prevent air and noise pollution being generated by the use of firecrackers.

(ii) There shall also be complete restraint on bursting of firecrackers in silence zones like in the vicinity of hospitals, Government offices, Courts, schools etc.

(iii) The Municipal Corporation and the Maharashtra Pollution Control Board shall jointly issue appropriate notices in the newspapers, electronic media, social media and other similar means of publicity,

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

informing the public that the burning of firecrackers at public places, including streets, lanes, footpaths shall not be permitted.

(iv) The notice shall also apprise the citizens of the harmful effects of the toxicity caused by the burning of firecrackers and appeal to them to refrain from burning firecrackers that generate noise and cause smoke and air pollution.

(v) The State Government, the Municipal Corporation and the Pollution Control Board shall set up and implement an awareness mechanism regarding the burning/bursting of firecrackers, within a period of one week. Such mechanism shall include awareness programmes at the school levels, public announcement through electronic/social media and the display of messages on buses, at bus-stops, in trains and at other appropriate places, well before the festivals. The citizens shall also be encouraged to use green crackers with lower noise and air pollution emissions and to adhere to the limited time periods prescribed under the applicable Rules and Regulations for burning firecrackers.

(vi) The authorities may also consider involving celebrities in the awareness campaigns, with a view to make cities better places to live in.

(vii) The Municipal Corporations, the Pollution Control Board and the Police Department shall create a complaint mechanism for receiving complaints by providing dedicated telephone numbers and ward-wise email addresses.

(viii) The Collector, Municipal Commissioner, the Commissioner of Police shall appoint a Nodal officer to co-ordinate the enforcement.

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26

HIGH COURT OF JUDICATURE AT BOMBAY

The names of such Nodal Officers be appropriately notified so that the citizens can register their grievances on the air and noise pollution generated by bursting of firecrackers.

(ix) The Chief Secretary shall nominate a Principal Secretary to hold meetings and coordinate on such issues with the different authorities.

(x) The various authorities shall also equip the field staff with decibel meters and other devices for measuring noise and air pollution.

(xi) The complaints as may be received by the respective Nodal Officers shall be addressed with utmost expediency and prompt action shall be taken against those who are acting in breach of the rules and regulations as the law would mandate.

18. With the aforesaid directions, we adjourn the present proceedings to **25 November, 2026** with liberty to the parties to apply.

(DR. NEELA GOKHALE, J) **(G. S. KULKARNI, J.)**

Uploaded on - 15/10/2026 Downloaded on - 23/10/2026 16:13:26