

Only sound and fury

The cracker-ban controversy is not so ephemeral as it may seem, nor as innocent as some genial proponents would have us believe. To the extent that it touches upon important concerns pertaining to individual, social, religious, and constitutional domains, the debate seems worthwhile.

It has been contended by notable official voices that the Supreme Court ought not to have pronounced on a matter that belongs exclusively to the executive. How valid is this objection? It is of course a given that the separation of powers is a founding principle of India's constitutional regime. What is forgotten, however, is the fact that within that regime, perhaps the most onerous and undeniable obligation of the SC is to protect the Constitution where executive practice is legitimately held to cross the fundamental rights of citizens. And is there a right more fundamental than the right to life itself? Clearly, those that contest the decision of the SC must demonstrate with proof that the emission of toxic smoke from millions of crackers, all within a short span of time, are not injurious to the health of citizens, especially children, the aged, the infirm. Or that one may shop as easily or with comparative probability for a new lung as one might for an alternate source of work.

A second objection, rather a typically nefarious one, that has been made is that the SC seems always to be bothered only by Hindu customs and practices. Consider the cruel irony that this objection is being made chiefly by the very falange of opinion makers who till the other day were tirelessly applauding the Court for having held instant triple talaq violative of the human and gender rights of Muslim women. Such short memory must truly seem astounding were it not mischievously political. Consider also the fact that the SC has issued an injunction to the state to gradually phase out the subsidy given to Haj pilgrims. To date we have no knowledge of any such injunction bearing on any Hindu festival. But then, of course, Hindu customs and festivals are now to be understood as constituting "culture" whereas all others are alien "religious" practices, out of sync with India's ontological personality.

Related to the above is an observation made by a popular writer - whose work I am wretchedly wholly unacquainted with - that if crackers are to be banned then so must animal sacrifice on Eid and also the practice of installing Christmas trees. Alas I may be excused for not being able for now to see the relevance of the analogies, but, since the proponent is a popular writer, the government might consider setting up a commission to examine the scientific merit of the argument made by him. Where is the harm in that?

In the forefront of the agitation against the busting of crackers have been children. Yet, many parents have suggested that for children's sake the practice ought to be permitted. Clearly, the safety of their own children here seems to have taken a backseat, even as their outcry - a wholly justified one - against school administrations for playing ducks and drakes with children's safety has in recent days been a central focus of public concern with saturation exposure in the media. This view of the prerogatives of parental authority must seem somewhat contradictory. The argument being that parents have the right to put their children's health in harm's way whereas institutions must be hauled up if they falter in the least.

A further argument that has been made is that if crackers are to be banned so must be smoking. Precisely. Smoking in public places is banned in order not to afflict others who do not smoke with passive inhalation. Nor do smokers gather in jamborees on streets, parks, house-fronts and other public places on any given day, sacred or not, to emit billions of gallons of toxic nicotine. Most nowadays slink into unseen corners for an elusive puff or two.

In recent months many celebrities have voiced grave objection to the azan as being a source of

noise pollution. One might wonder whether a whole year's volume of azan may hold a candle to the noise pollution wrought by the bursting of crackers for just a week or 10 days all across the Gangetic belt. Indeed, for this writer, this remains as great a cause of perturbation as the toxic fumes emitted by the bursting of crackers. Yet, those that object to the azan, a rather mellifluous call to prayer that does not exceed more than a minute five times a day, seem entirely unbothered by the ruckus of cracker blasts that have not infrequently led to death by shock of people with cardiac ailments.

Altogether, we contend that the proponents of cracker bursting freedom have a bad case on all fronts. Many of these proponents are avid votaries of clean-up India. We wonder why it is necessary to pollute before we clean up.

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