

## 'Cracker sale ban helped Delhi to breathe better'

The Supreme Court's ban on the sale of firecrackers helped Delhi and the NCR breathe better after Deepavali this year.

The court's decision to ban liquor vends within 500 metres of National and State Highways strengthened the government's decades-long efforts to prevent roads from becoming accident zones.

Justice D.Y. Chandrachud cited these instances in open court on Thursday to counter criticism that the court might have gone overboard, reading too much into Article 21 (right to life) of the Constitution and passing orders that were practically unenforceable.

The judge, who authored the historic majority judgment which upheld the right to privacy as a part of the fundamental right to life (Article 21), said the court's orders could indeed be enforced.

### 'Positive intervention'

He praised the October 9, 2017 judgment of a Bench, led by Justice A.K. Sikri, to suspend the sale of firecrackers till November 1 as an example of the court's positive intervention to ensure a green environment. Justice Sikri had reasoned in the judgment that the ban was a means to "find out whether there would be a positive effect of this suspension, particularly during the Diwali period."

The judge was addressing Attorney-General K.K. Venugopal, who raised the question of enforceability of the highway liquor ban, at a hearing by a five-judge Constitution Bench on the question of scope of judicial review with respect to reports of Parliamentary Standing Committees.

Justice Chandrachud, who authored the liquor ban judgment, drew Mr. Venugopal's attention to the fact that the verdict had said the very "basis [of] and foundation" for the ban was derived from studies done by the Central government in the past decade.

Justice Chandrachud, who wrote both the December 15, 2016 judgment and the March 31, 2017 order on the liquor ban, told Mr. Venugopal: "We were enforcing your [the Centre's] policy."

In fact, the March 31 order specifically states that "we must at the outset notice that this court, while exercising its jurisdiction, has neither formulated policy nor (as we shall indicate) assumed a legislative function."

The order records that the ban was based on the material ranging from the policy of the Union Ministry of Road Transport and Highways; the decision of the National Road Safety Council, an apex body for road safety; the Centre's advisories to the States over a decade; and the parliamentary mandate of zero tolerance of drunken driving.

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