



**Dr. Annasaheb G.D.Bendale Memorial**  
**14<sup>th</sup> NATIONAL MOOT COURT COMPETITION**

**Moot Problem**

**Hameed Khan and others V/s Union of Sindhia and others**

Petitioner No. 1 Hameed Khan and Petitioner No. 2 Gopal Sharma, on the date of filing of this writ petition, were six months old and Petitioner No. 3 Anil Yadav was fourteen months old. This petition has been filed through their next friends, i.e. their fathers, who are concerned about the health of their children as they feel that due to the alarming degradation of the air quality, leading to severe air pollution in the city of Asbia (where these Petitioners reside), the Petitioners may encounter various health hazards. Poor, very poor or severe air quality/air pollution affects all citizens, irrespective of their age. However, claim the Petitioners, children are much more vulnerable to air pollutants as exposure thereto may affect them in various ways, including aggravation of asthma, coughing, bronchitis, retarded nervous system breakdown and even cognitive impairment. The petition accepts that there are number of reasons which have contributed to poor air quality in Asbia a city in Sindhia country. At the same time, it is emphasized that air pollution hits its nadir during Diwali time because of indiscriminate use of firecrackers, the chemical composition whereof increases harmful particulate matters such as PM2.5 or PM10 at alarming level thereby bringing the situation of 'emergency'. The Petitioners have, thus, prayed for direction to the official Respondents to take possible measures for checking the pollution by striking at the causes of the pollution, which includes seasonal crop burning, indiscriminate dumping of dust/malba and other pollutants, etc. The prayer also includes banning the use, in any form, of firecrackers, sparkles and minor explosives, in any form, during festivals or otherwise. The Petitioners had pressed for interim relief in respect of fireworks, drawing the attention of this Court to the emergent situation that has resulted in worsening the air quality standards in Asbia because of extensive use of fireworks, including firecrackers during Diwali last year. It was pointed out that onset of winter itself deteriorates air quality in this region and it gets aggravated because of festival/marriage season that occurs during these very months. Taking note of the aforesaid factors, particularly impact of fireworks on the ambient air and unhealthy effects thereof which had created unprecedented situation in Asbia, with air pollution going up at alarming levels and making it the most polluted city in the world. Air pollution had gone up to 29 times above the World Health Organisation (WHO) standards. The harmful effect of fireworks is on the ambient air and the lungs, eyes and ears of people. What is also obvious is the extreme nuisance, noise the fireworks cause to citizens particularly the ailing and the aged. The significance and even joy of bursting fireworks, but at the same time, prima facie, a just constitutional balance must overwhelmingly prioritize the harmful effects of this hazardous air on present and future generations, irreversible and imperceptible as they are, over the immediate commercial constraints of the manufacturers and suppliers of fireworks.

Petitioners approached the court for seeking relief as pollution creates violation of right to health, violation of provisions of different laws and well established principles. Petitioner thus wants the court to issue appropriate directions to all respondent parties in order to control the rising level of environment pollution problem which affects the life of people which is the basic



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fundamental right guaranteed under Constitution. The contentions of Respondent were that burning of crackers itself does not have any significant adverse effect on environment. If there is a ban restriction on manufacturing and selling of fireworks it would affect fundamental right to carry on trade. It would also occur in loss of revenue to nation and would bring loss of employment. They also contended that proper survey and socio-economic approach to be taken by court before passing any directions.

Argue the case on both sides.

Note :- Indian Laws will be applicable to Union of Sindhia and others.