
FUNERAL PYRES AND ARTICLE 25: THE UNLITIGATED CONFLICT BETWEEN RELIGIOUS CREMATION RITES AND AIR QUALITY LAW

Ms. Shamayeeta Dey, LLM (Human Rights), AIALS, Amity University, Noida. Uttar Pradesh.¹

ABSTRACT

India litigates its smoke selectively. Firecrackers are dragged before the Supreme Court every autumn, weighed, restricted, and rationed by decibel and hour. The funeral pyre, a source of comparable, and by some measures greater, particulate emission has never once been asked to answer for itself. This essay begins from that asymmetry and treats it not as coincidence but as diagnosis: a marker of how selectively Indian environmental jurisprudence chooses which religious smoke is worth regulating and which is left, quite literally, to burn.

The numbers are not marginal. Delhi's fifty-one cremation grounds alone were estimated, in a 2022 emissions inventory, to release close to four hundred tonnes of PM_{2.5} a year, with ambient readings at some sites running several multiples over India's permissible limit. Researchers tracing COVID-19's second wave even found measurable mortality correlated with pyre-driven air quality collapse in the capital. The NGT noticed this in passing as early as 2016 then the question simply stopped being asked. No case has tested cremation against the Air Act using the very doctrine firecrackers failed to survive intact in *Arjun Gopal v. Union of India*: the essential religious practice test.

This essay does not propose to touch the right to cremate, nor does it treat Hindu funerary rites as a pollution problem dressed in ritual language. Its target is narrower and, I argue, doctrinally cleaner: the gap between the right to cremate, which the essential-practice doctrine plainly protects and the method by which that right is exercised, which the doctrine was never asked to protect and which case law offers no reason to believe it would.

Keywords: Article 25; Essential Religious Practice; Air Quality Law; Environmental Jurisprudence; Cremation Emissions; Selective Constitutional Scrutiny.

¹ LLM (Human Rights), AIALS, Amity University, Noida. Uttar Pradesh.

INTRODUCTION

Every October and November, without fail, India has the same argument with itself. Firecrackers go before the Supreme Court, get weighed against Article 21, get timed to two hours a night and capped by decibel, and the country moves on until the following Diwali revives the ritual the legal one, this time.² It is, by now, a genre of litigation with its own predictable choreography: petition, affidavit, expert testimony on particulate matter, an order that satisfies almost no one, and a compliance rate that satisfies fewer still.³ What is strange is not that firecrackers are litigated. It is that funeral pyres are not.

The comparison is not rhetorical excess. A 2022 emissions inventory of Delhi's fifty-one identified cremation grounds found that pyre-burning alone released an estimated 393 tonnes of PM2.5, 142 tonnes of nitrogen oxides, and nearly 2,700 tonnes of carbon monoxide in a single year, figures drawn not from advocacy literature but from a peer-reviewed dispersion-modelling study built for exactly this kind of policy question.⁴ Separate air-quality sampling at cremation grounds in Kanpur recorded PM2.5 concentrations exceeding 1,000 micrograms per cubic metre that dwarfs India's own permissible ambient standard several times over.⁵ And during the second wave of COVID-19, when Delhi's crematoria ran at a volume the city had never seen, epidemiologists modelling the relationship between surface ozone and mortality found a measurable, quantifiable cost attributable in part to open-air pyre combustion.⁶ These are not contested numbers awaiting rebuttal. They are published, replicated, and, for the most part quietly ignored by the very courts that have spent a decade litigating the comparatively modest emissions profile of firecrackers.

The National Green Tribunal came close to naming this asymmetry in 2016, when it questioned, almost in passing, whether the traditional method of wood-pyre cremation along riverbanks could continue without environmental scrutiny, and directed the government to

² See, e.g., *Arjun Gopal v. Union of India*, (2017) 1 S.C.C. 412 (India); *Arjun Gopal v. Union of India*, (2018) 10 S.C.C. 337 (India) (annual firecracker restriction orders).

³ See *Ridhima Pandey v. Union of India*, Nat'l Green Tribunal (India) (2017) (on compliance monitoring of festival-season emission orders).

⁴ Prateek Sharma et al., Quantitative Assessment and Mitigation Measures of Air Pollution from Crematoria in NCT of Delhi, 29 *Envtl. Sci. & Pollution Rsch.* 67292 (2022).

⁵ Exposure Assessment of PM2.5 in Temple Premises and Crematoriums in Kanpur, India, 15 *Air Quality, Atmosphere & Health* 1 (2022).

⁶ Exacerbation of Fatality Rates Induced by Poor Air Quality Due to Open-Air Mass Funeral Pyre Cremation During the Second Wave of COVID-19, 10 *Atmosphere* 306 (2022).

expand access to electric and CNG-based alternatives.⁷ It did not go further than that, and nobody has pushed it to. No litigant has brought a cremation case squarely before a constitutional bench and asked the question courts have asked of firecrackers without hesitation: does this practice survive the essential religious practice test once weighed against the Air (Prevention and Control of Pollution) Act, 1981? The doctrine exists. The data exists. The case has simply never been made.

This essay makes it not as an argument against cremation, and not as a call to prohibit a rite that sits near the centre of Hindu religious obligation, but as a doctrinal inquiry into why one comparably situated form of religious combustion has been regulated into a compliance schedule while the other has been left, by judicial silence, entirely to custom. The distinction this essay draws and it is a distinction the essential-practice doctrine already contains, if anyone cared to use it is between the right to cremate and the method by which that right is exercised. Firecrackers survived as a festival tradition while losing, specifically and repeatedly, on the question of manufacture, composition, and timing.⁸ Cremation has never been asked to make that same distinction in court. The remainder of this essay asks why, and what a doctrinally honest answer would look like.

THE SCIENTIFIC CASE: WHAT THE SMOKE ACTUALLY CONTAINS

It is worth pausing on what precisely burns when a pyre burns, because the phrase “wood smoke” undersells the chemistry involved. A traditional Hindu cremation is not simply combustion; it typically consumes 500 to 600 kilograms of wood over roughly six hours to fully cremate a single body, alongside ghee, camphor, cloth, and, in practice, whatever the deceased is wearing or has been wrapped in a mixture that produces not just particulate matter but a cocktail of incomplete-combustion byproducts: carbon monoxide, black carbon, polycyclic aromatic hydrocarbons, and, depending on what accompanies the body onto the pyre, trace heavy metals.⁹ Multiply that by the roughly seven million bodies estimated to be cremated this way across South Asia annually, and the aggregate volume stops being a matter

⁷ Nat'l Green Tribunal, Order on Traditional Cremation Practices and Environmental Impact (Feb. 2016) (India).

⁸ Arjun Gopal v. Union of India, (2018) 10 S.C.C. 337 (India) (restricting firecracker composition and permissible chemical content, not the practice of bursting firecrackers itself).

⁹ *Environmental Impact of Cremation in India: Emissions and Ash*, Scattering Ashes (2023), <https://scatteringashes.co.uk/different-cultures/the-environmental-cost-of-cremation-in-india/> (citing India Today reporting on wood consumption per cremation).

of ritual and becomes a matter of atmospheric chemistry at scale.¹⁰

Delhi supplies the most granular data because Delhi is where researchers have bothered to look. The 2022 dispersion-modelling study of the capital's fifty-one cremation grounds did not merely tally emissions; it mapped exposure zones around individual crematoria, identifying Nigam Bodh Ghat which alone handles an average of sixty bodies a day as the single largest point source of cremation-linked particulate matter in the city, and recommended buffer zones around high-volume sites on the same public-health logic that governs siting for industrial pollution sources.¹¹ That a peer-reviewed emissions inventory felt it necessary to propose buffer zones around crematoria, using language ordinarily reserved for factories and thermal plants, is itself a quiet admission of how far this source has drifted from the “negligible, culturally protected” category it is treated as in law.

The Kanpur exposure study adds a second, more visceral data point: PM_{2.5} readings at cremation grounds averaging over 1,000 micrograms per cubic metre more than sixteen times India's own 24-hour ambient standard of 60 µg/m³ under the National Ambient Air Quality Standards.¹² These are not readings taken during an unusual spike or a festival surge; they are baseline figures at facilities that operate continuously, year-round, in dense urban settings. And the COVID-19 mortality modelling, whatever caveats attach to any single epidemiological estimate, at minimum establishes that the harm is not confined to the aesthetic unpleasantness of smoke or the ecological cost of deforestation it registers, measurably, in human lungs and in excess deaths during periods of high cremation volume.¹³ The scientific record, in short, does not require the essay to speculate about harm. It only requires the law to notice what has already been measured.

THE LEGAL FRAMEWORK: TWO STATUTES THAT HAVE NEVER MET

Indian environmental law and Indian religious-freedom jurisprudence have developed almost

¹⁰ Exacerbation of Fatality Rates Induced by Poor Air Quality Due to Open-Air Mass Funeral Pyre Cremation During the Second Wave of COVID-19, 10 *Atmosphere* 306, 2 (2022) (citing Chakrabarty et al., *Nepal Fires Trigger Local Extreme Ozone Enhancements* (2013), for the estimate of over seven million annual open-pyre cremations across South Asia).

¹¹ Prateek Sharma et al., *Quantitative Assessment and Mitigation Measures of Air Pollution from Crematoria in NCT of Delhi*, 29 *Envtl. Sci. & Pollution Rsch.* 67292 (2022).

¹² *Exposure Assessment of PM_{2.5} in Temple Premises and Crematoriums in Kanpur, India*, 15 *Air Quality, Atmosphere & Health* 1 (2022); Cent. Pollution Control Bd., *National Ambient Air Quality Standards* (2009) (India) (24-hour PM_{2.5} standard of 60 µg/m³).

¹³ *Supra* note 10.

entirely without reference to each other on this question, which is itself worth remarking on before turning to either framework individually.

The Air (Prevention and Control of Pollution) Act, 1981 defines “air pollutant” broadly enough to capture, on its face, almost any solid, liquid, or gaseous substance present in the atmosphere in a concentration that may be injurious to human beings, living creatures, plants, or property a definition with no exemption, express or implied, for combustion carried out for religious purposes.¹⁴ The Act empowers State Pollution Control Boards to declare air pollution control areas, restrict the use of specified fuels, and prosecute the operation of any process that discharges pollutants in excess of prescribed standards.¹⁵ Nothing in the statute's text distinguishes a crematorium from a factory. The distinction that has kept crematoria outside the Act's practical reach has been built entirely outside the statute through regulatory restraint, not statutory exemption.

Article 25 of the Constitution, on the other side of the ledger, guarantees the freedom to profess, practise, and propagate religion, subject to public order, morality, health, and the state's power to regulate secular activity associated with religious practice.¹⁶ The Supreme Court gave this guarantee its operative content in *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, holding that what counts as “religion” for constitutional purposes must be judged by the doctrines of the religion itself, not by a court's own view of what religion ought to require but crucially, the Court also held that not everything a religion permits or encourages is essential to it, and only practices integral to the religion's basic character attract constitutional protection.¹⁷ The Court refined this further in *Durgah Committee, Ajmer v. Syed Hussain Ali*, cautioning that practices which are merely superstitious accretions on genuine religious belief do not automatically qualify for protection simply because they have been observed for a long time, and later, in *Commissioner of Police v. Acharya Jagdishwarananda Avadhuta*, the Court crystallised the test as one asking whether the practice is so fundamental that the religion would be practically unrecognisable without

¹⁴ Air (Prevention and Control of Pollution) Act, No. 14 of 1981, § 2(a), India Code (1981) (defining “air pollutant”).

¹⁵ *Id.* §§ 19, 21, 22 (powers to declare air pollution control areas, restrict fuel use, and penalize excess emissions).

¹⁶ India Const. art. 25.

¹⁷ *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt*, (1954) S.C.R. 1005 (India).

it.¹⁸

Applied honestly, this doctrine does not treat “religion” as a single, undifferentiated block immune from regulation. It treats religion as a core surrounded by practice, and it protects the core while leaving the surrounding practice open to exactly the kind of secular regulation Article 25(2)(a) explicitly contemplates. Cremation itself, the choice to cremate rather than bury, and the religious rites that accompany it sits, on any fair reading of Hindu religious doctrine, close to that protected core; the Manu Smriti and the Garuda Purana both treat cremation as integral to securing the soul's passage, and no court would seriously entertain an argument that a Hindu family could be compelled to bury rather than cremate.¹⁹ But the specific fuel used to achieve that cremation untreated wood, as opposed to CNG, electricity, or treated biomass is a considerably harder sell as constitutionally essential. No scriptural text prescribes wood, specifically, over any other means of achieving fire; the requirement is fire itself, and the transformation it performs, not the fuel that produces it.²⁰ That is precisely the kind of distinction the essential-practice doctrine was built to draw and precisely the distinction no litigant has yet asked a court to draw in this context.

FIRECRACKERS VERSUS FUNERAL PYRES: WHY ONE GOT LITIGATED AND THE OTHER DID NOT

The firecracker litigation is worth examining closely, not because it is legally complicated, but because it demonstrates that the Supreme Court is entirely capable of applying exactly the fuel versus practice distinction this essay proposes for cremation it has simply never been asked to apply it there.

In *Arjun Gopal v. Union of India* (2017), a group of infant petitioners, acting through their parents, approached the Supreme Court seeking restrictions on firecracker sale in the National Capital Region in the run-up to Diwali, citing air quality data showing dangerous PM2.5 and PM10 spikes in the days immediately following the festival.²¹ The Court did not, at any point,

¹⁸ *Durgah Committee, Ajmer v. Syed Hussain Ali*, (1962) 1 S.C.R. 383 (India); *Commissioner of Police v. Acharya Jagdishwarananda Avadhuta*, (2004) 12 S.C.C. 770 (India).

¹⁹ See generally *Manusmriti ch. V* (on funerary rites); *Garuda Purana (Preta Kanda)* (describing cremation as necessary to the soul's transition).

²⁰ Cf. *Arjun Gopal v. Union of India*, (2018) 10 S.C.C. 337 (India) (distinguishing the religious significance of Diwali itself from the specific chemical composition of firecrackers used to celebrate it).

²¹ *Arjun Gopal v. Union of India*, (2017) 1 S.C.C. 412 (India).

question whether bursting firecrackers during Diwali constituted a genuine religious or cultural practice it accepted that premise without extended argument. What it interrogated instead was the composition of the firecrackers themselves: their chemical content, their permissible decibel output, and the hours during which they could be legally used.²² By 2018, this had hardened into a standing framework the Court permitted only “green crackers” with reduced emission profiles, capped bursting hours to two per night, and left enforcement to state pollution control boards and local police.²³ Diwali survived entirely intact as a festival. What did not survive intact was the unregulated firecracker as a product.

This is, functionally, exactly the fuel-versus-practice distinction this essay draws for cremation. The Court did not ask whether firecrackers are essential to Hindu religious practice in some abstract doctrinal sense, it asked a narrower, more practical question: is the specific method of celebration, as currently practised, avoidable without extinguishing the religious or cultural core it serves? The answer, reached without much apparent difficulty, was yes. Green crackers still make noise and light; they still mark Diwali; they simply pollute less. The essential practice doctrine was never formally invoked as the operative test in these orders, and that omission is itself revealing, the Court found it easier to regulate firecrackers under Article 21's right to a healthy environment and ordinary environmental statute powers than to wade into the more doctrinally fraught territory of asking whether firecracker-bursting is “essential” to Hinduism.²⁴ It did not need to reach the harder constitutional question because no one seriously argued that firecracker composition was a matter of religious command.

Cremation has never received this treatment, and the reasons are structural rather than doctrinal. Firecracker litigation had an obvious plaintiff class parents of infants and asthmatic children in Delhi, backed by environmental lawyers who could point to a discrete, seasonal, quantifiable spike in air quality data that made for compelling annual news coverage.²⁵ Firecrackers, as consumer products, had a manufacturing and retail industry that could be regulated through licensing conditions without anyone needing to sue a bereaved family. Cremation offers no equivalent structure. There is no “cremation industry” positioned the way the firecracker industry is positioned crematoria are frequently run by municipal bodies, temple trusts, or

²² *Id.*

²³ *Arjun Gopal v. Union of India*, (2018) 10 S.C.C. 337 (India).

²⁴ *Id.* (grounding restrictions in Article 21 and statutory environmental powers rather than an express essential practice finding under Article 25).

²⁵ *Ridhima Pandey v. Union of India*, Nat'l Green Tribunal (India) (2017); see also Cent. Pollution Control Bd., Air Quality Index Data for Delhi-NCR: Post-Diwali Reports (2017–2023).

informal ghat management committees rather than commercial manufacturers, which means there is no comparable regulatory chokepoint through which litigation could flow without directly confronting a grieving family at the moment of bereavement.²⁶ And grief, unlike a festival, does not lend itself to litigation. No parent is going to file a writ petition against a neighbour's cremation the way a parent might file one against a firecracker retailer. The absence of cremation litigation, in other words, is not evidence that the constitutional question is harder the Arjun Gopal line of cases suggests it may in fact be easier, since cremation's essential core (the rite of fire) is far less contested than firecrackers' claim to religious necessity ever was. The absence is better explained by the absence of a plaintiff with standing, incentive, and the emotional distance necessary to bring the case.

THE ESSENTIAL PRACTICE TEST, APPLIED

The three-part inquiry the Supreme Court has assembled across Shirur Mutt, Durgah Committee, and Acharya Jagdishwarananda can be distilled, for present purposes, into a single operative question: strip away the practice under scrutiny, and does the religion survive recognisably intact, according to its own doctrinal self-understanding?²⁷ Applied to cremation as a whole, the answer is not close. Cremation is not a peripheral custom or a "superstitious accretion" of the kind the Court dismissed in Durgah Committee; it is treated across Hindu scriptural and customary sources as integral to the soul's release, and a legal regime that compelled burial in its place would be regulating religion at its core, not its margins.²⁸ Any argument that Article 25 fails to protect the choice to cremate collapses on contact with the doctrine itself.

But that is not the question this essay asks, and it is not the question the essential-practice doctrine, properly applied, would ask either. The relevant inquiry is narrower: strip away untreated wood as the specific combustion medium, and does the religious practice of cremation survive recognisably intact? Here the doctrinal answer looks considerably different, and the firecracker precedent supplies the template for reasoning through it. No verse in the Garuda Purana specifies wood species, moisture content, or combustion method; the textual

²⁶ See Nat'l Green Tribunal, Order on Traditional Cremation Practices and Environmental Impact (Feb. 2016) (India) (directing the Union Environment Ministry and Delhi government, rather than any private industry body, to expand alternative cremation infrastructure).

²⁷ Commissioner of Police v. Acharya Jagdishwarananda Avadhuta, (2004) 12 S.C.C. 770 (India).

²⁸ Durgah Committee, Ajmer v. Syed Hussain Ali, (1962) 1 S.C.R. 383 (India); see generally Manusmriti ch. V; Garuda Purana (Preta Kanda).

and customary requirement is fire and the ritual sequence performed around it the lighting by the appropriate kin, the circumambulation, the eventual collection of ashes for immersion not the particular fuel that produces the flame.²⁹ Electric and CNG crematoria, now operating in several Indian cities including sites explicitly built to accommodate Hindu ritual sequences, already perform this substitution without having triggered a single reported religious-freedom challenge, which is itself informal but telling evidence that the fuel is not experienced by practitioners as doctrinally essential in the way the flame and the rite are.³⁰ If the substitution can occur voluntarily, at scale, without provoking religious objection, it is difficult to construct a serious argument that mandating comparable substitution through emissions standards applied to crematoria rather than through an outright fuel ban would cross into regulating the essential core of the religion rather than its incidental method.

This is precisely the structure the Arjun Gopal line of cases already validated for firecrackers, and the analogy holds with unusual precision. The Court there distinguished the celebration of Diwali (protected) from the specific chemical formulation and retail conditions of the firecrackers used to celebrate it (regulable), and it did so without ever suggesting that Diwali itself was somehow diminished by requiring “green” formulations.³¹ The same distinction, transposed to cremation, would separate the rite (protected) from the fuel and combustion method (regulable) permitting the Air Act's existing regulatory architecture, including its powers to declare pollution control areas and restrict fuel use under Sections 19 and 21, to apply to crematoria in the same way it already applies, at least on paper, to any other combustion source, without requiring any amendment to the Act and without requiring courts to treat cremation as anything other than a constitutionally protected practice deserving full respect.³²

What the doctrine would not support, and what this essay does not argue for, is any regulation that treats cremation itself as negotiable a ban, a quota, a requirement to switch to burial, or restrictions timed to make the rite impractical for grieving families. Those would fail the essential-practice test decisively, for the same reason a ban on Diwali itself would have failed

²⁹ See generally Garuda Purana (Preta Kanda) (describing the ritual sequence of cremation without prescribing fuel type).

³⁰ See, e.g., Nat'l Green Tribunal, Order on Traditional Cremation Practices and Environmental Impact (Feb. 2016) (India) (noting government-supported rollout of electric and CNG crematoria as alternatives compatible with existing ritual practice).

³¹ Arjun Gopal v. Union of India, (2018) 10 S.C.C. 337 (India).

³² Air (Prevention and Control of Pollution) Act, No. 14 of 1981, §§ 19, 21, India Code (1981).

it decisively. The doctrinal space this essay identifies is narrower and, precisely because it is narrower, more defensible: fuel and site regulation, not rite regulation. That space has existed in the case law since at least Shirur Mutt in 1954. It has simply never been occupied, because no one has yet asked a court to occupy it.

THE POLICY ALREADY EXISTS IT JUST HAS NO LEGAL SPINE

The striking feature of India's response to cremation emissions is that the regulatory apparatus has already been built through subsidy schemes, municipal infrastructure programmes, and NGT directions while the legal compulsion behind it has not. This matters because it undercuts any objection that regulating cremation method is somehow constitutionally untested territory the state has been afraid to enter. It has entered it repeatedly. It has simply never been asked to defend that entry in court, which means the entire framework currently rests on voluntary uptake rather than enforceable standard.

Following the 2016 NGT observation, the Delhi government and several municipal corporations expanded funding for electric and CNG-based crematoria, several of which were deliberately designed to accommodate the full Hindu ritual sequence a viewing chamber, a designated space for the mukhagni (the lighting of the pyre by next of kin), and a period for the family to complete customary rites before the body is moved to the combustion chamber.³³ A state cannot simultaneously believe that mandating electric cremation would violate Article 25 while funding and promoting electric cremation as a public good; the two positions are not compatible, and the second, sustained over nearly a decade without legal challenge, is difficult to explain except on the premise that electric and CNG cremation are broadly understood, including by practising Hindu communities, as compliant alternatives rather than as a substitution of one religion's practice for another's.

What is missing is not the infrastructure or the precedent for voluntary substitution it is the mechanism to convert voluntary uptake into an enforceable emissions standard for crematoria that continue to use untreated wood, in the way the Air Act already permits for any other combustion source. Sections 19 and 21 of the Act give State Pollution Control Boards the power to declare air pollution control areas and restrict permissible fuels within them; nothing in the statute requires an amendment before this power could be exercised against high-volume

³³ Nat'l Green Tribunal, Order on Traditional Cremation Practices and Environmental Impact (Feb. 2016) (India).

urban cremation grounds of the kind mapped in the Delhi emissions inventory.³⁴ What has been missing is the will, or perhaps simply the awareness, to apply an existing statutory power to a source that has been treated, by unspoken convention rather than by law, as outside its reach.

CONCLUSION: A ROADMAP, NOT A PROHIBITION

This essay has argued that the absence of cremation litigation is not evidence of constitutional difficulty; it is evidence of an unasked question. The essential-practice doctrine, tested and refined across seven decades of Article 25 jurisprudence and applied with real practical bite in the firecracker cases, already contains the analytical tools needed to separate the religious core of cremation—the rite of fire, performed by kin, according to prescribed sequence from the incidental method by which that fire is produced. Firecrackers demonstrated that Indian courts can regulate the how of a religious practice while leaving the whether completely untouched, and did so without provoking any sense that Diwali had been diminished. Cremation is entitled to the same doctrinal treatment, and the scientific record hundreds of tonnes of particulate matter, ambient readings many multiples over the legal standard, and a documented public health cost during India's worst pandemic year supplies at least as strong a justification as the seasonal spikes that moved the Court to act on firecrackers.

None of this requires legislative innovation. The Air Act's existing powers to designate control areas and restrict fuels are, on their face, adequate to the task; what is required is the political and litigative will to apply them, and a doctrinal roadmap, the one this essay has sketched for applying them without disturbing the constitutional protection cremation itself unquestionably deserves. The precedent for voluntary substitution already exists in electric and CNG crematoria funded across multiple Indian cities for nearly a decade without a single religious freedom objection. What remains is to convert that precedent from an option families may choose into an enforceable standard for the crematoria that continue to burn 500 kilograms of wood per body in the middle of some of the most polluted cities on earth. The law has the doctrine. It has the data. It has, in the firecracker cases, its own template for how to proceed. What it has lacked, for a decade of silence on this question, is a litigant willing to ask it to look.

³⁴ Air (Prevention and Control of Pollution) Act, No. 14 of 1981, §§ 19, 21, India Code (1981).

BIBLIOGRAPHY

A. Constitutional and Statutory Provisions

1. India Const. art. 25.
2. Air (Prevention and Control of Pollution) Act, No. 14 of 1981, India Code (1981).
3. Cent. Pollution Control Bd., National Ambient Air Quality Standards (2009) (India).

B. Cases

1. Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, (1954) S.C.R. 1005 (India).
2. Durgah Committee, Ajmer v. Syed Hussain Ali, (1962) 1 S.C.R. 383 (India).
3. Commissioner of Police v. Acharya Jagdishwarananda Avadhuta, (2004) 12 S.C.C. 770 (India).
4. Arjun Gopal v. Union of India, (2017) 1 S.C.C. 412 (India).
5. Arjun Gopal v. Union of India, (2018) 10 S.C.C. 337 (India).
6. Ridhima Pandey v. Union of India, Nat'l Green Tribunal (India).

C. Books, Religious Texts, and Scholarly Articles

1. Manusmriti ch. V (on funerary rites and ritual obligation).
2. Garuda Purana (Preta Kanda) (describing the ritual sequence and religious significance of cremation).
3. Prateek Sharma et al., *Quantitative Assessment and Mitigation Measures of Air Pollution from Crematoria in NCT of Delhi*, 29 Env'tl. Sci. & Pollution Rsch. 67292 (2022).
4. Exposure Assessment of PM_{2.5} in Temple Premises and Crematoriums in Kanpur, India, 15 Air Quality, Atmosphere & Health 1 (2022).
5. Exacerbation of Fatality Rates Induced by Poor Air Quality Due to Open-Air Mass Funeral Pyre Cremation During the Second Wave of COVID-19, 10 Atmosphere 306 (2022).

WEBLIOGRAPHY

1. Quantitative Assessment and Mitigation Measures of Air Pollution from Crematoria in NCT of Delhi, PubMed, <https://pubmed.ncbi.nlm.nih.gov/35639324/>.
2. Exposure Assessment of PM_{2.5} in Temple Premises and Crematoriums in Kanpur, India, PubMed, <https://pubmed.ncbi.nlm.nih.gov/35075564/>.
3. Exacerbation of Fatality Rates Induced by Poor Air Quality Due to Open-Air Mass Funeral Pyre Cremation During the Second Wave of COVID-19, MDPI, <https://www.mdpi.com/2305-6304/10/6/306>.
4. Exacerbation of Fatality Rates Induced by Poor Air Quality Due to Open-Air Mass Funeral Pyre Cremation During the Second Wave of COVID-19, NCBI PMC, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9227097/>.
5. NGT Questions Hindus' Cremation Procedure, Says It Causes Air, Water Pollution, India TV News, <https://www.indiatvnews.com/news/india/national-green-tribunalhindus-cremation-air-water-pollution-57385.html>.
6. Environmental Impact of Cremation in India, Scattering Ashes, <https://scatteringashes.co.uk/different-cultures/the-environmental-cost-of-cremation-in-india/>.