

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Application No.04/2013 (P.B. No.97/2012 (THC) Sandeep Lahariya Vs. State of M.P. & Ors.

and

Application No.05/2013 (P.B. No.99/2012 (THC) Greater Gwalior Plastic Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT :

(Appl. No. 04/2013)

Applicant : None appeared
Respondent No. 1, 3, 7 & 8 : Shri Sachin K. Verma, Advocate
Shri Ayush Dev Bajpai, Advocate &
Ms. Parul Soni, Advocate
Respondent No. 2 : Shri Shivendu Joshi, Advocate
Respondent No. 4 : Shri Vijay Shahani, Advocate
Respondent No. 5 : Shri Sandeep Gupta, Advocate
Respondent No. 6 : Shri Asad Ullah Khan, Advocate
Respondent No. 8 : Shri Sanjay Kumar Shukla, Commissioner
Respondent No. 10 : Shri Shyam Narayan Chouksey

(Appl. No. 05/2013)

Applicant : None appeared
Respondent No. 1 : Shri Sandeep Gupta, Advocate
Respondent No. 2, 3 & 4 : Shri Sachin K. Verma, Advocate
Respondent No. 5 : Shri Vijay Shahani, Advocate
Respondent No. 6 : Shri Asad Ullah Khan, Advocate

Date and Remarks	Orders of the Tribunal
Item No.2 & 3 4th September, 2013	<p>Since both the matters deal with identical issues relating to manufacture, sale, distribution and stocking of polythene 'carry bags' in the city of Gwalior and in other cities and towns of the State of Madhya Pradesh, the two cases were heard together.</p> <p>On the previous date, directions were issued to the respondents to submit the details of the action taken so far in pursuance of the Notification dated 04.02.2011 notifying the Plastic Waste (Management and Handling) Rules, 2011 and more particularly Rule 5(c) of the Rules which deals with the ban of manufacture, distribution or selling of any plastic carry bags less than 40 microns in thickness.</p> <p>The respondents have submitted the Compliance Report in pursuance of the order passed by the Tribunal on the previous date.</p> <p>We have heard the Learned Counsel appearing for various respondents including Shri Sanjay Kumar Shukla, Commissioner, Urban</p>

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Administration and Development Department. Though none has appeared for the petitioners all the Learned Counsel and the Commissioner were unanimous in agreement that the problem with regard to the pollution being caused as a result of indiscriminate use of polythene carry bags still persists to a great extent. Though, we find that various steps, as mentioned in the Compliance Report, have been initiated certain more steps are required to be taken in this behalf to overcome the problem of pollution and environmental degradation as a result of the use of the aforesaid material.

On enquiry from the Commissioner, Urban Administration & Development, who is present, he suggested that the State of Madhya Pradesh would undertake a drive for overcoming the aforesaid problem by taking the following steps in the first instance:

- (1) Create awareness among the citizens at a local level in the Municipal Wards and Panchayat Wards by organising meetings through the Ward Members and other representatives and public spirited persons and volunteers for creating awareness against the use of polythene carry bags, more particularly that of the coloured ones which are not conducive for carrying food material and instead suggesting to the citizens to carry their own bags from home while proceeding to the market for purchasing various items and to bringing them home.
- (2) Creating awareness by educating children in the schools who in turn can impress upon their parents and elders at their home against the use of polythene carry bags as well as the need not to allow them to be carried and scattered so that they create obstacles in the flow and discharge of sewage / water in the drain and creating environmental and health hazards.
- (3) A drive against the manufacturers, stockists and retailers in terms of the Rules, 2011 as per the notification of the MoEF dated 04.02.2011 shall be intensified by constituting special teams wherever necessary on a continuous basis.
- (4) The State shall endeavour to provide and suggest alternative eco-friendly carry bags for use of the citizens and encourage their manufacture and use.

These measures, as were suggested by the Commissioner, shall be

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publicized through electronic and print media to bring about awareness as also publicizing them at important places where there is a public congregate like bus stands, railway stations, religious places, etc.

Looking to the coming festive season where devotees visit temples in large number, we find that the use of polythene carry bags for *prashad*, etc. is also very common. A drive therefore, by the local administration against the use of polythene carry bags where such religious places are located, shall be carried out with the help of District Administration and particularly the Collectors of the concerned District shall ensure that no polythene carry bags of the prohibited category are used at such places. The traders and shopkeepers, as well as stalls selling eatables, should be apprised not to use such polythene/plastic materials and use only environment friendly and bio-degradable material.

The Learned Counsel for the respondents seek time to apprise this Tribunal of the steps taken particularly with respect to the points noted herein above and the impact that has been created as a result of the same throughout the State of Madhya Pradesh.

Let a copy of this order be sent to the Chief Secretary, Govt. of Madhya Pradesh through the Standing Counsel for the State of Madhya Pradesh for compliance by all State functionaries and District Collector in particular.

The matter stands over to 09.10.2013.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)