

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 15 of 2014

Him Jagriti Uttaranchal Welfare Society Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:

Applicant / Appellant	Mr. Raj Panjwani, Sr. Adv. along with Mr. Ritwick Dutta and Ms. Preeta Dhar, Adv.
Respondent No. 1 :	Mr. Vikas Malhotra with M.P. Sahay, Adv.
Respondent No. 3 :	Mr. Ravinder Agarwal, Adv.
Respondent No. 4 :	Mr. Mehmood Pracha, Adv.
Respondent No. 5 :	Mr. Kundan Kumar Mishra and Ms. Pankhuri Jaiswal, Adv.
Respondent No. 6 :	Mr. Shiv Kumar Suri, Mr. Shikhil Suri and Ms. Akruti Gupta, Adv.
Respondent No. 7 :	Mr. Raj Kumar, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 12 March 03, 2015	<p>We had heard the Learned counsel appearing for the parties.</p> <p>This is an Application filed by the Applicant with a prayer that directions should be issued to the Authority to restrict the use of plastic bottle and multi-layered/plastic packages/pet bottles by imposing a ban on packaging of carbonated soft drink and to phase out the use of plastic polyethylene for all other non-essential items. It is further prayed that the Plastic Waste (Management and Handling) Rules, 2011 should be directed to be changed accordingly. They also pray for direction to the Board and the MoEF to issue prohibitory directions in terms of Section 5 of The Environment (Protection) Act, 1986.</p> <p>Learned counsel appearing for the MoEF submits that meetings were held to consider various aspects of multi-layered/ pet bottles packaging of food and food products etc. However, nothing could materialise. According to him the Ministry is of the opinion that further scientific study is</p>

required.

We may notice here that the Learned counsel appearing for Directorate General of Health Services has pointed out that they have taken a categorical stand that multi-layered/ pet bottles packaging can cause injuries to health due to leaching and other chemical reaction of the content of the plastic.

The CPCB has also taken a stand that this is an environmental hazard and injurious to Public health. The Central Drugs Standard Control Organisation (CDSO) in exercise of its power under the Drugs and Cosmetics Act, 1940 has proposed a complete prohibition on use of polyethylene terphthalate or plastic containers in liquid oral formulations for primary packing and the Ministry of Health and Family Welfare has notified the draft Notification.

Learned counsel appearing for MoEF submitted that the subject pertains to the Food Safety and Standards Authority of India as the subject matter is concerned with human health and food safety.

Learned counsel appearing for Food Safety and Standards Authority of India has also taken the stand that the multi layered/pet bottle packaging can be injurious to human health.

There appears to be commonality on the stand of the various learned counsel appearing for the Government and Authorities that plastic multi-layered packaging /pet bottles would be injurious to human health. It also causes serious environmental hazards. It is in fact one of the largest sources of plastic municipal solid waste. As of now, nobody has been able to completely handle the issue of handling, collection and disposal of

such waste successfully. Prima facie, we are of the view that there has to be restriction placed upon such packaging and generation of municipal plastic waste. However, before we pass any order, we consider it appropriate that all the stakeholders should also be heard. Learned counsel appearing for Respondent No. 5 prays for time to argue the matter. Let a Public Notice be issued to the Manufacturers and Users of multi-layered/ pet bottles packaging, if anybody wishes to address us on the question afore-referred.

Notice will be issued in one National newspaper.

List this matter on 08th April, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Ranjan Chatterjee)

