

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

**Original Application No. 112 of 2016**

**Ashwini Kumar Vs. Union of India & Ors.**

**CORAM:**

**HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**

**Applicant  
Respondent No. 2  
Respondent No. 3**

**:Mr. Sumeer Sodhi, Mr. Praval Arora, Advs  
:Mr. Krishna Kumar Singh, Adv.  
:Mr. B.V. Niren, Adv., , Adv.  
Mr. Amit Mahajan, Mr. K.K. Singh and Mr. Rishi Kant  
Singh, Advs.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item No. 12</b></p> <p><b>January 09, 2017</b></p> <p>sn</p>	<p>Learned Counsel appearing for Respondent No. 2 submits that Notice as directed by this Tribunal has been published by Respondent No. 1 on 22<sup>nd</sup> December, 2016 in terms of our Order dated 19<sup>th</sup> August, 2016 and subsequent Order dated 5<sup>th</sup> December, 2016 in a daily newspaper in the Times of India, copy of the draft is shown to us. We permit filing of the newsprint in the Registry for record.</p> <p>However, we do not notice presence of any industry/individual responding to the public notice issued. Hence one more opportunity has to be given to all concerned to respond. We are making it clear that on that date we will consider hearing of this case also, if possible, on merits.</p> <p>Learned Counsel appearing for the Applicant draws our attention to the Order dated 10<sup>th</sup> August, 2016.</p> <p>We have perused it. It reveals that this Tribunal having noticed from the submissions of the Applicant's Counsel that Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 as well as Part-II list of raw material generally not recognized as safer use in</p>

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cosmetics by Bureau of Indian Standards particularly compounds both Polyethylene(PE), polypropylene (PP), polyethylene terephthalate (PET), polymethyl methacrylate (PMMA) and nylons is being used rendering cosmetics unsafe for human use and is also causing water pollution. We have called for the report. The Order shows there was submission before us on behalf of the Respondent that they would consider the measures that can be taken to curtail the mischief caused by use of the said polymeric microbeads in personal care products.

Thereafter, though the case had come up before us on several occasions only one order has been passed directing public notice to be issued to invite participation of the manufactures industries who manufacture and import drugs/cosmetics which contains the afore-referred two compounds.

In the circumstances, we also feel that submissions made before this Tribunal that Respondents will file statement showing the measures to be taken to prevent use of such products has to be enforced.

However, at this juncture the Learned Counsel appearing for the Respondent No. 1 submitted that on 10<sup>th</sup> August, 2016 there was no representation from Respondent No. 1 and therefore, he does not know at whose instance such Order was passed. We do not wish to go into this controversy because the Order states that there was submission on behalf of the Respondent, however, to make it more specific we would now decide

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as to who should file the statement.

Considering the nature of jurisdiction and functioning of the Respondents, we find Respondent No. 1, the Central Drugs Standard Control Organization which comes under Ministry of Health and is bestowed with statutory and other Constitutional duty under governance of the State and Union to ensure that no product, commercial or otherwise, imported or made domestically is allowed to be sold or made available to public which is dangerous for human use.

If this is the responsibility of Respondent No. 1 then it shall be the duty of Respondent No. 1 to examine the products which contain the aforesaid compounds and get it analysed and file a Report before us as to whether the use of such products is detrimental/harmful for human use and the measures to be taken to prevent the same. As far as other issues raised by the Applicant is concerned regarding water pollution we shall consider it during hearing of this case. Thus, Report shall be filed within four weeks from now by the Respondent No. 1.

We have perused the content of the Affidavit dated 06-07-2016, we do not find that Affidavit contains the statement with regard to this aspect, hence this order may be complied by the Respondent No. 1.

List the matter on 15<sup>th</sup> February, 2017.

.....,JM  
(Dr. Jawad Rahim)

.....,EM  
(Ranjan Chatterjee)

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