

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No.04/2013 (P.B. No.97/2012 (THC)

**Sandeep Lahariya Vs. State of M.P. & Ors.**

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

**PRESENT :** Applicant : None appeared  
Respondent No. 1, 3 ,7 & 8 : Shri Ayush Dev Bajpai, Advocate on behalf of  
Shri Sachin K. Verma, Advocate  
Respondent No. 2 : Shri Shivendu Joshi, Advocate  
Respondent No. 4 : Shri Vijay Shahani, Advocate  
Respondent No. 9 : Mohd. Alauddin, Advocate  
Respondent No. 10 : Shri Shyam Narayan Chouksey

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1</b>  <b>9<sup>th</sup> October 2013</b>	<p>The Learned Counsel appearing for the respondents have submitted Compliance Reports based upon the directions issued in the Order of this Tribunal dated 04.09.2013.</p> <p>The respondent no. 8, Commissioner, Urban Administration and Development Department in its Compliance Report has stated that so far as the direction no. 1 for creating awareness among the citizens against the use of polythene carry bags of less than 40 microns is concerned, they have issued directions to all the District Collectors and Commissioners of Municipal Corporations and officers of the concerned Municipalities in the State for creating awareness through electronic and print media as well as by displaying posters and banners at prominent places including bus stands, railway stations and other public places.</p> <p>It has also been stated that bio-degradable carry bags in place of polythene carry bags of the prohibited nature are being made available to vendors in the regular/weekly markets.</p> <p>Directions have also been issued for making available bio-degradable carry bags at designated stalls in other markets within the urban/municipal limits of the city of Bhopal.</p> <p>The applicant has not appeared. But Shri Shyam Narayan</p>

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Chouksey, the intervener who is present, contested the aforesaid position and has submitted that aforesaid efforts which are alleged to have been made by way of compliance are yet to create any impact on ground and no change at all has been noticed as a result of the aforesaid efforts made by the authorities.

We would refrain from making any observation on the contention raised by the intervener except to rely upon the report published in the daily newspaper 'Times of India' dated 09.10.2013, Bhopal Edition wherein the unhygienic conditions prevailing in the municipal limits of Bhopal have been highlighted in the news report.

Apart from merely taking the aforesaid steps, the local bodies, municipalities, panchayats responsible for cleanliness, sanitation and hygiene in the respective areas shall have to carry out their responsibilities to ensure compliance under the Plastic Waste (Management and Handling) Rules, 2011 as under Rule 4(b), the municipal authorities and local bodies are the enforcing authorities prescribed under the Rules with regard to use, collection, segregation, transportation and disposal of post consumer plastic waste. The situation cannot be disputed that much more efforts are required to be made by the local bodies in this behalf. We would therefore, through the Principal Secretary, Urban Administration and Development Department, Government of Madhya Pradesh, direct that all the municipalities and local authorities vested with the responsibility as prescribed authority under Rule 4 of the Plastic Waste (Management and Handling) Rules, 2011, shall ensure full and complete compliance regarding the use, collection, segregation, transportation and disposal of plastic waste. For the aforesaid purpose, we would grant four weeks' time to the municipal authorities throughout the State of Madhya Pradesh to ensure compliance, failing which this Tribunal would apply the 'Polluter Pay Principle' upon the Municipal Commissioners/Chief Executive Officers as well as the Chairmen of the Boards making them responsible

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for any lapse in this behalf brought to our notice.

It would be the responsibility of the Principal Secretary, Urban Administration and Development Department, Government of Madhya Pradesh to ensure compliance and get feedback from any monitoring agency, that he may consider appropriate to nominate/constitute and submit a compliance report before this Tribunal on or before the next date of hearing.

We may add that priority in this behalf shall be given to the areas where such plastic and other solid waste is placed/dumped in and around the educational institutions, hospitals and medical facilities, religious places, water bodies, markets, public places and residential localities.

We may further add that steps to create awareness against the use of polythene carry bags have to be increased to a very large extent and a one-time talk show on radio/television may not suffice. Hoardings and banners as well as stickers in various public places including public transport vehicles apprising the public against the use of polythene carry bags on a massive scale is required. Apart from creating awareness among the common man, more drives have to be conducted against the manufacturers, wholesalers, retailers of polythene carry bags of less than 40 microns. Steps must be taken to take into confidence the market associations/committees, malls and local markets held on a weekly or daily basis by carrying out drives to ensure that no retailer or otherwise uses polythene carry bags of the prohibited category.

The MP Pollution Control Board must also ensure compliance of rule 8 of the Plastics Waste (Management and Handling) Rules, 2011 by ensuring that proper marking and labelling as required by the Rules is being carried out by the manufacturers in terms of the Rules, 2011.

In all the market places, the municipal authorities shall ensure that separate stall/stocks are made available the carry bags of permissible quality and also ensure that no retailer provides plastic carry bags free of

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cost to the consumers as required under Rule 10 of the Rules, 2011 to encourage their re-use so as to minimize plastic waste generation.

The State Level Advisory Body provided under rule 11 of the Rules, 2011 must hold regular meetings to monitor implementation of the aforesaid Rules and the steps taken so far and the Minutes of the previous meetings held shall be placed before the Tribunal. The MP Pollution Control Board is directed to place for perusal of the Tribunal the annual reports which it has prepared and submitted to the Central Pollution Control Board as required under rule 12 of the Rules for the years ending with September 2011 to September 2013.

Matter be listed on **11.11.2013**.

.....JM  
(DALIP SINGH)

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

