

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

Original Application No. 384 of 2016

And

Original Application No. 442 of 2016

MA. Nos. 1247/2016 & 317/2017

IN THE MATTER OF:

1. KHALID ASHRAF

S/o (Late) Shri Haji Mohammad Ashraf
Lal School, Moradabad-244001 (U.P)

2. SMT. RANI

W/o (Late) Shri.Devraj
R/o GarhiChowk, PS- Qila
District-Bareilly, (U.P)

.....Applicant(s)

Versus

1. Union of India
Through Secretary,
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi - 110 003
2. Union Territory of Andaman & Nicobar
Through its Administrator,
Secretariat, Port Blair-744101
3. State of Andhra Pradesh
Through its Chief Secretary,
Secretariat, Hyderabad, 500002
Andhra Pradesh
4. State of Arunachal Pradesh
Through its Chief Secretary,
Secretariat, Itanagar - 791111 (A.P)
Arunachal Pradesh
5. State of Assam
Through its Chief Secretary,
Secretariat, Dispur, 781001
Guwahati, Assam
6. State of Bihar
Through its Chief Secretary,
Secretariat, Patna-800015, Bihar
7. State of Chhattisgarh
Through its Chief Secretary,

Secretariat, Raipur, 492001
Chhattisgarh

8. Union Territory of Chandigarh
Through its Administrator,
Secretariat, Govt. of Chandigarh,
Chandigarh- 160001
9. Union Territory of Dadra & Nagar Haveli
Through its Administrator
Secretariat, Silvassa, 396230
Nagar Haveli.
10. Union Territory of Daman & Diu,
Through its Administrator, Secretariat,
Moti – Daman-396220
11. National Capital Territory of Delhi
Through its Chief Secretary,
New Secretariat Building,
IP Estate, Delhi-110001
12. State of Goa
Through its Chief Secretary,
Secretariat, Panaji, 403001
Goa
13. State of Gujarat
Through its Chief Secretary,
Secretariat, Gandhinagar,
Gandhi Nagar- 382010
Gujarat
- ✓ 14. State of Haryana
Through its Chief Secretary,
Secretariat, Chandigarh – 160001
Haryana
15. State of Himachal Pradesh
Through its Chief Secretary,
Secretariat, Shimla- 171001,
Himachal Pradesh
16. State of Jammu & Kashmir
Through its Chief Secretary,
Secretariat, Srinagar – 190001
Jammu & Kashmir
17. State of Jharkhand
Through its Chief Secretary,
Secretariat, Ranchi-834001
Jharkhand

Versus

1. Union of India,
Through Secretary, Ministry of Home Affairs
North Block, Central Secretariat
New Delhi, New Delhi-110 001
2. Ministry of Environment, Forest and Climate Change
Through Secretary,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi - 110 003
3. Ministry of Commerce & Industry
Through Secretary,
Udyog Bhawan
New Delhi-110 011
4. Ministry of Power
Through Secretary
201, Shram Shakti Bhawan
New Delhi-110 001
5. Animal Welfare Board of India
13/1, Third Seaward Road,
Valmiki Nagar, Thiruvanmiyar
Chennai- 600 041

.....Respondent(s)

COUNSEL FOR APPLICANT:

Mr. Tariq AbeeB, Adv, Ms. MeenakshiArora, Sr. Adv with Ms.AnanyaGhosh, Adv for Intervenor, Mr. S.K. Dubey and Mr. Khalid Arshad, Advs. for Applicant in M.A.

COUNSEL FOR RESPONDENTS:

Ms.Taruna A. Prasad, Adv, for respondent no.1
Mr. B.V. Niren, Adv. Mr.Dhruv Pal and Mr.Ramandeep Singh,
Advs. for State of Gujarat and GPCB
Mr.JoydeepMazumdar, Mr.ParijatSinha and Mr.RohitDutta,
Advs.
Ms.SakshiPopli, Adv. For Ministry of Environment, Forest and
Climate Change
Mr. Raj Kumar, Adv. with Mr.Bhupender Kumar, LA for CPCB
Mr. R. RakeshSharm and Mr. S. Anand, Advs. for State of Tamil
Nadu and TNPCB for respondent no. 1,3&4
Mr.AjitPudussery and Ms.ShrutiSarma, Advs. For respondent
no.5
Mr.Gautam Singh and Mr.Rudreshwar Singh, Adv. For
respondent no.6

Mr. Shubham Bhalla, Adv. Mr. Shadan Farasat,
Ms. Priya Sreenivasan and Ms. Rudrakshi Deo, Advs for
respondent no.8
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar and
Mr. Charan Jeet Singh, Advs. Mr. Naginder Benipal, Advs. For
PPCB Respondent No. 27: Ms. Rajdipa Behura and Ms. Garima
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respondent no. 35
Mr. Vinay Mohan Sharma, AAG and Mr. Naginder Benipal, Adv.
Mr. Sapam Biswajit, Adv. for State of Manipur
Mr. Mazag Andrabi, Advs. for State of J&K
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Ms. Elix Gangmei, Advs. for State of Nagaland
Mr. Gopal Singh, Ms. Varsha Poddar and Mr. Kumar Milind,
Advs. for State of Tripura
Mr. Anil Grover, AAG, Mr. Rahul Khurana and
Mr. Sandeep Yadav, Advs. For State of Haryana
Ms. Shashi Juneja, Adv. for State of Chhattisgarh
Mr. V.K. Shukla, Ms. Vijay Laxmi, Advs. for State of MP
Mr. Guntur Prathoka, Mr. Guntur Pramod Kumar and
Mr. Prashant Mathur Advs. for State of AP
Mr. Shiv Mangal Sharma, Mr. Saurabh Rajpal, and Mr. Adhiraj
Singh, Advs. for State of Rajasthan
Mr. D.K. Thakur, AAG for State of Himachal Pradesh
Mr. Tanay Pareek, Ms. Tanvi Sharma, Advs. Mr. Dhruv Pal, Adv.
and Mr. Tushar Mehta, ASG, for State of Gujarat and GPCB Ms.
Aruna Mathur, Mr. Avneesh Arputham, Mr. Amit Arora and
Ms. Anuradha Arupatham, Advs. for State of Sikkim.
Mr. Vivek Singh and Ms. Vishakha, Advs. for State of Uttrakhand
Dr. Manish Singhvi and Mr. Shailja Nanda Mishra, Advs. in M.
A. No. 127/2017

JUDGEMENT

PRESENT:

Hon'ble Mr. Justice Swatanter Kumar (Chairperson)
Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)
Hon'ble Mr. Bikram Singh Sajwan (Expert Member)

Reserved on: 12th April, 2017
Pronounced on: 11th July, 2017

1. Whether the judgment is allowed to be published on the net?

	Max. Average		0.365 0.33
3	Breaking Strength (N)	IS 9936:1992	22.4
			Sample 9
1.	Material Identification by FTIR	ASTM E 1252	PET
2.	Thickness (mm)		
	Min.	IS 11320:1997	0.281
	Max.		0.286
	Average		0.282
3	Breaking Strength (N)	IS 9936:1992	22.7

PART D

REMARKS	:	NIL
NOTE	:	1. The results related only to the items tested. 2. The report shall not be reproduced in full/part without approval of the laboratory

Authorized Signatory

Authorized Signatory

107. The intervener Yamuna Industries has raised objections against the report of CPCB dated 10th February, 2017 on the ground that no test had been carried out to determine if their products are bio-degradable. But the very fact that in the report it has been opined that “the remaining five (5) Manjha samples (Nylon) provided by M/s. Yamuna Industries were PET-Plastic, which are non-biodegradable,” leaves no room of doubt that the products of Yamuna Industries are not bio-degradable. It has been submitted on behalf of the intervener Yamuna Industries that its products contain additives which render the same bio-degradable. Addition of bio-degradable additives is said to enhance biodegradation of polymers which can render polymer bio-degradable. The intervener Yamuna Industries have neither mentioned as to what additives are being used by them in their

products nor placed on record any material to show that addition of additives in the product made of polymers make them bio-degradable. The intervener Yamuna Industries have also mentioned about a report of CIPET, Chennai dated 20th September, 2014 where in the sample was sent in July, 2014. It is not clear as on whose direction and what circumstances the material was sent to Chennai Laboratory.

- 108.** From the aforesaid, it can be summarized that kite flying with *dor/manjha* has been a sport, past time, recreation in our country, since time immemorial. Earlier the *manjha* was made of cotton. When competition started in this sport by kite fighters where two parties were to compete as to who could have the kite of other fall to the ground by breaking of its *manjha* that there was a change in the nature of *manjha* so as to make it strong enough for the purpose of competition. Therefore a change came about when the *dor/manjha* was made stronger by coating it with gum, boiled rice. This resulted in some injuries to birds and on the finger of the persons flying kite because of its sharp nature. Some times when the birds got brushed with *manjha* in the air, as the same is not visible after gaining height in the sky, they got injured. However, subsequently further development took place and the kite fighters started using other materials like glass powder, iron powder etc. so as to

make it strong and sharp to succeed in kite fighting competition which are held in many cities of the country. As a matter of fact many such competitions are being held in different cities during various parts of the year, but the ill-effect of such *manjha* is that it is not only sharp enough to cut the *manjha* of the other kite, but even cut the skin of birds/animals and human beings. Later on the *manjha* was being made of synthetic material/yarn, in place of cotton and with coating of material which not only cut the skin of animals and human beings, but also a good conductor of electricity, resulting in many accidents from High-tension Lines.

- 109.** The menace of *manjha*, which in common parlance is being called as Chinese *manjha*, had been felt since quite some time. Such *manjha* not only created problem for birds animals and human beings, but damages the environment as well. Since recent past Chinese *manjha* or *manjha* made of a coating by synthetic material has become a matter of great concern for everyone. Steps were taken by some Governments, but the same was insufficient and lacked implementation. The matter was also taken up by the judiciary when some of the Hon'ble High Courts of the States issued direction to the concerning State Government to ban such type of *manjhas*. When Chinese *manjha* and its ill-effects on the public at large had reached to a tremendous heights that

the Original Applications came to be filed before the Tribunal. Apart from the adverse effect of Chinese manjha which was being directly faced by people, its non-degradable nature adversely affected the environment, because large quantity of manjha was found scattered at every place which ultimately resulting in choking of the drains. The earlier *manjha* which was made of cotton is eco-friendly as by its nature it was degradable.

Looking to the deep rooted tradition of kite flying in our country which has also become part of our various festivals, the ill-effects of Chinese *manjha* had not only resulted in injuries to birds, animals and human beings, but number of fatal accidents have also increased in large number, and thus interference is called for by this Tribunal. It is only the *manjha* which is made of synthetic yarn and coated with synthetic material which is non-degradable and create menace for all. The traditional *manjha* which is made of cotton yarn and if it is coated, the same is with degradable materials. Such type of *manjha* being degradable it does not cause any environmental damage.

Therefore, we allow these Original Applications and issue following directions:-

1. That there shall be a total ban on the Manjha or thread for kite flying which is made of nylon or any synthetic

material and/or is coated with synthetic substance and is non-biodegradable.

2. The State Governments are directed to prohibit the manufacture, sale, store, purchase and use of synthetic *Manjha/Nylon* thread and all other similar synthetic threads, used for kite flying.

'A' { 3. All the Chief Secretaries/Administrators of the State Governments and Union Territories are directed to enforce the prohibition of manufacture and use of synthetic manjha/nylon thread for kite flying throughout their State/territories.

4. The respondents are directed to ban import of any synthetic manjha/nylon thread or other similar thread coated with synthetic substances, in any part of the country.

'B' { 5. The Chief Secretaries/Administrators of all the States/Union Territories are further directed to send a copy of this order to all the district Collectors/District Magistrates and Superintendent of Police for its compliance in letter and spirit and to ensure that no synthetic manjha/nylon thread and also those which are coated with synthetic materials are purchased, sold, stored and used for kite flying within their area.

6. The State Governments/Union Territories/Chief Secretaries/ District Collectors are directed that in case of violation of any of the directions given in this

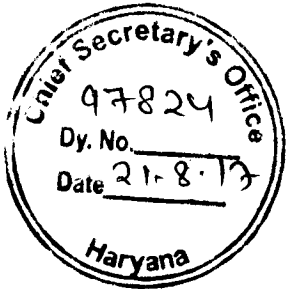
Judgment, appropriate steps be taken against the defaulters under the provision of Environment (Protection) Act, 1986; Prevention of Cruelty of Animal Act, 1960; Wildlife (Protection) Act, 1972, the Indian Penal Code or any other provision of law.

There shall be no order as to cost.

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Justice Swatanter Kumar
(Chairperson)

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Justice Raghuvendra S. Rathore
(Judicial Member)

.....
Bikram Singh Sajwan
(Expert Member)



New Delhi.
Dated: 11th July, 2017

Put up DFA regarding 'A' and 'B'

DAKS
18-8-17

DAKS