

**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 Garhi Chowk, 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,

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
Singh Yadav, Advs. for State of Odisha for respondent no.11
Mr. Abhishek Yadav, Adv. For State of Uttar Pradesh
Mr. Gautam Singh, Adv. for Mr. Rudreshwar Singh, Adv. For
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
Mr. Edward Belho, Mr. K. Luikang Michael and
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?**

2. Whether the judgment is allowed to be published in the NGT Reporter?

RAGHUVENDRA S. RATHORE (JUDICIAL MEMBER) J

1. Both these Original Applications relates to the issue of synthetic, glass coated and Chinese manjha for kite flying which are injurious to human beings, birds and equally disadvantageous to the environment. These manjhas are non-biodegradable and apart from causing injuries to human beings, birds etc., it causes serious environmental problem.

As both the applications raises common questions of fact and law that they were heard together and are now being decided by this common order.

2. Looking to the fact that manjha for kite flying is used during festivals, across the length and breadth of the country redressal has been sought by the applicants against all the State Governments and Union Territories. After hearing the learned counsel for the applicants notices were issued to all the State Governments, through their Resident Commissioner at Delhi and also through Chief Secretaries of the respective States. Many persons who were directly affected from such manjhas, by way of injuries or even death of their family member; the manufacturers and also the traders have approached the Tribunal to get themselves impleaded as a party/ intervenor in the matter.

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.
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.
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

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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

NGT

GOVERNMENT OF TELANGANA
ABSTRACT

Environment, Forests, Science & Technology Department – Ban on procuring, stocking, sale and use of Chinese Manja (nylon thread) and glass-coated Manja for kite flying – Orders – Issued.

Environment, Forests, Science & Technology (Env) Department

G.O.MS.No. 2

Dated: 13-01-2016

Read the following:

1. D.O.No.17/16/2014-AWD, Dt.09-09-2014 of MoEF&CC, GOI.
2. From the CWLW, Lr.Rc.No.680/2015/WL-2, dt.16-01-2015.
3. From the M.S., TSPCB, Lr.No.Gen-07/TSPCB/Plastic/2015-2167, Dt.23-12-2015.
4. From the M.S., TSBDB, Lr.Ref.No.319/TSBDB/2015, Dt.10-12-2015.

ORDER:

The Ministry of Environment, Forests and Climate Change, Govt. of India vide D.O. letter first read above has addressed all the States & Union Territories informing about the threat posed to Birds like Vultures, Kites, Owls, Pigeons, Crows etc. due to use of 'Chinese Dor' made of nylon and coated with finely crushed glass in kite flying and requested the States to take appropriate action.

2. The Chief Wild Life Warden, Telangana & Spl. Prl. Chief Conservator of Forests, Hyderabad vide his letter second read above has requested to issue orders banning the use of Nylon Glass coated thread or 'Chinese Dor' in kite flying, in the interest of Conservation of wildlife and safety of human beings. The M.S., TSPCB and the M.S., TSBDB vide their letters fourth and fifth read above have also requested to take necessary action on banning the usage of Nylon Glass coated thread or Chinese Dor in Kite flying on par with other States in the interest of Conservation of Wild life and safety of human beings. It is also observed that the use of such material is also causing adverse effects on soil, waterways due to its non biodegradable nature apart from causing grievous injury to animals including human beings and causing problem for transmission lines and other communication devices and traffic movement.

3. Government, after careful examination of the matter and in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 hereby impose complete ban on procuring, stocking, sale and use of nylon thread which is commonly called as 'Chinese Dor' or other synthetic (non-biodegradable) threads coated with glass or other harmful substances used for kite flying or other purposes and likely to cause grievous injury and inconvenience to animals including birds as well as human beings during festivals or other occasions.

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3. All the concerned departments / organizations shall take immediate necessary action to sensitize people for not using such materials and make them aware to resort to use of eco-friendly materials which are biodegradable and not harmful to animals including human beings.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

VIKAS RAJ

Secretary to Government

To

The Member Secretary, Telangana State Pollution Control Board,
Hyderabad.

The Chief Wildlife Warden & Spl.Pr.I.CCF, Telangana, Hyderabad.

The Member Secretary, T.S. BDB, Hyderabad for information.

All Departments in Telangana Secretariat.

All District Collectors in the State of Telangana.

Copy to Law Department.

Sf/Sc

// Forwarded by order //

SECTION OFFICER