

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1001 SUO MOTO (PIL) NO.8 OF 2020

THE REGISTRAR JUDICIAL HIGH COURT OF BOMBAY BENCH AT
AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr.S.S.Bora, Amicus Curiae, for the petitioner.
Mr.D.R.Kale, Govt.Pleader for respondent Nos.1, 4 to 7, 9 to 30.
Mr. A.G. Talhar, Deputy Solicitor General of India, respondent No.2.
Mr.P.P.More, Advocate for respondent No.3.
Mr. A.V. Hon, advocate for respondent No.6
Mr.A.P.Bhandari, Advocate for respondent No.8.
Mr.L.V.Sangit, Advocate for respondent No.31.
Mr.A.S.Sawant, Advocate for respondent No.32.
Mr.K.N. Lokhande, Advocate for respondent No.33.
Mr.D.M.Shinde, Advocate for respondent No.35.
Mr.R.K.Ingole, Advocate for respondent No.37.
Mr. S.S. Thombre, advocate for respondent No.42-University

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 4th JANUARY, 2023.**

PER COURT :-

1. The Environment and Climate Change Department, Mantralaya, Government of Maharashtra, has issued a circular dated 02.02.2021, with regard to the compliance of Section 5 of the Environment (Protection) Act, 1986, regarding the injuries caused to the birds and humans by threads made of plastic/synthetic material commonly known as Nylon Manja. A similar circular has also been issued by the said department on 21.12.2021.

2. The learned amicus curiae submits that the National Green Tribunal has delivered orders mandating all States in India to prohibit manufacturing, selling, purchasing and use of Nylon Manja. Accordingly, the States have been initiating steps to implement such directions. The learned Chief Government Pleader submits that the Circulars dated 02.02.2021 and 21.12.2021 are the steps initiated by the State of Maharashtra. Recently, a circular dated 29.12.2022, has also been issued by the said department, addressing all Divisional Commissioners, District Magistrates and the Collectors, Municipal Commissioners, Police Commissioners, District Superintendents of Police, Director General of Information and Public Relations, to ensure that the direction of this Court dated 20.12.2022 in the present proceeding is implemented and followed strictly. He, therefore, submits that the Maharashtra Government is maintaining the tempo initiated to ensure that the Nylon Manja is not manufactured, sold, purchased and used in the State of Maharashtra.

3. The Nanded Waghala City Municipal Corporation has entered an affidavit in reply, dated 2.1.2023, and has annexed certain circulars, notifications and news reports indicating the steps initiated by the Corporation at all levels, including in the schools and colleges to ensure that the Nylon Manja is not used for flying kites or for any purpose.

4. The learned Chief Government Pleader has placed on record

the report dated 04.01.2023, received by him from the Assistant Commissioner of Police, Special Branch, Aurangabad city alongwith several news reports published in Daily newspapers like, Dainik Lokmat, Dainik Divya Marathi, Dainik Pudhari, Dainik Maharashtra Times, Dainik Samna, Dainik Sakal, Dainik Bhaskar, Dainik Lokmat Samachar, Daily Lokmat Times etc. vide which the people from all walks of life are informed of the ban on the use of Nylon Manja. The said report (15 pages) dated 04.01.2023, is taken on record and collectively marked as "X-2" for identification. He, therefore, submits on the basis of the duties allocated to the specific police officers and their cell numbers which have been disclosed to the public at large to enable the public to contact such police officers on their cell numbers in the event of noticing any use of Nylon Manja. He also pointed out that certain dedicated police officers from the crime branch have been allocated the task of ensuring that the Nylon Manja is not sold/purchased/used. So also, number 112 is dedicated for receiving the complaints about the use of Nylon Manja.

5. We find that the police authorities of all districts and the Commissionerate, amenable to the jurisdiction of this Court, should publish the names of their dedicated police officers and the contact numbers to enable the public to contact such police officer from their own region, in the event of noticing any use of Nylon Manja.

6. We are informed by the learned advocates appearing on behalf

of the various Corporations that steps are being initiated within their limits to ensure a complete ban on Nylon Manja.

7. Shri Thombre, the learned advocate representing the Dr. Babasaheb Ambedkar Marathwada University, submits that nobody is permitted to use the Nylon Manja in the University campus and it's precincts. In fact, orders have been issued to ensure that kite flying in the premises of the University would be prohibited. The campus comprises of various departments, Hostels and residences of the professors and teachers.

8. We would appreciate if the University at Aurangabad and the University at Nanded would take the initiative to inform all colleges and the Deputy Director of Education in the particular region to ensure that even the schools are informed that the kite flying with the use of Nylon Manja in the premises of the schools and colleges would not be permitted and strict action would be initiated against the violators.

9. The learned DSGI submits that the steps initiated by the Government of India with regard to the implementation of the orders passed by the National Green Tribunal for prohibiting the use of Nylon Manja for flying kites, would be communicated to the court on the next date.

10. We find that the Government of India will have to take effective steps considering Section 19 of the Environmental (Protection) Act, 1986, which empowers the Court to take cognizance of the offences or the complaints made by the Central Government or any authority or officers authorized in that behalf by that Government. The Central Government, therefore, has the responsibility of authorizing the officers to lodge such complaint/offences.

11. List this P.I.L. on 13.1.2023, at 4.30 p.m.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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