



W.M.P.No.15112 of 2019
in W.P. No. 15120 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM

**THE HONOURABLE MR JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.M.P.No.15112 of 2019
in W.P. No. 15120 of 2019**

G.Subramania Koushik
S/o.R.Gopal Iyer, No.47, Vijaya Nagar
Place Road, Near Rose Garden, Ooty,
The Nilgiris District 643001.

Petitioner(s)

Vs

1. The Principal Secretary
to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St.George, chennai 600
009.

2.The District Collector,
The Nilgiris District, Collectorate, Ooty
643001.

3.The Commissioner,
Udhagamandalam Municipality, Ooty,
The Nilgiris District.

4.The Commissioner,
Coonoor Municipality, Coonoor,

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WEB COPY The Nilgiris District.

5.The Commissioner,
Gudalur Municipality, Gudalur,
The Nilgiris District.

6.The Commissioner,
Kotagiri Town Panchayath, Kotagiri,
The Nilgiris District.

7.The Field Director,
Mudumalai Tiger Reserve,
Mount Stuart Hill, Ooty, The Nilgiris.

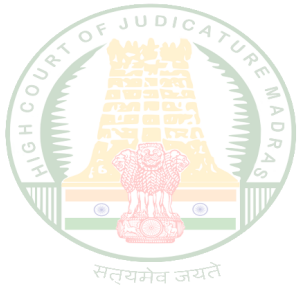
8.The District Forest Officer,
The Nilgiris District, Mount Stuart Hill,
Ooty -643001.

9.The Commissioner,
Kodaikanal Municipality, Kodaikanal,
Dindigul District. (R9 SUO MOTU
IMPLEADED VIDE ORDER DT
12.02.2021 MADE IN WP.15120/2019
BY NSKJ)

10.The Principal Secretary To
Government,
Transports Department, Secretariat, Fort
St. George, Chennai - 600009.

11.The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road
Safety, Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai -
600005.(R10 AND R11 ARE SUO

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MOTU IMPEADED AS PER ORDER
DATED 24.11.2022 IN WP.15120/2019
BY NSKJ AND DBCJ)

12. Shantha Thiagarajan,
Late Shri.D.Thiagarajan, No.201-B,
THIAGS Missionary Hill,
Udhagamandalam, The Nilgiris 643002.
(R12 IMPEADED VIDE ORDER DT
16.03.2023 MADE IN WMP.8577/2023
IN WP.15120/2019 BY NSKJ, DBCJ)

13. The Principal Secretary,
Department Of Municipal
Administration, Urban And Water
Supply, Government Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.600 009.

14. The Additional Chief Secretary,
Department Of Tourism, Culture And
Religious Endowments Department,
Government Of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.600 009. (r13 And R14 Are Suo
Motu Impleaded As Per Order Dated
19.03.2024 In Wp.15120/2019 By Nskj
And Dbcj)

15. The Secretary To The Ministry Of
Road Transport And Highways,
Transport Bhawan, No.1, Parliament
Street, New Delhi.110 001. (r15- Suo
Motu Impleaded As Per Order Dated
04.11.2024 In Wp.15120/2019 By Nskj)



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Respondent(s)

For Petitioner(s): Mr.T.V.Suresh Kumar
M/s Genicon & Associates
For Respondent(s): Dr.T.Seenivasan
Spl.GP for RR1,2,7, 8, 10, 11, 13
and 14
Mrs.A.Sri Jeyanthi For R4
Mr.R.Srinivas, SC
for Mr.K.Madhan for R12
Mr.V.Chandrasekaran, SPC
for R15
M/s.T.Mohan, Senior Counsel
and
Mr.M.Santhanaraman
Amicus Curiae
Mr.C.Mohan, Amicus Curiae
Mr.Rahul Balaji, Amicus Curiae

ORDER

This order is issued in continuation of our earlier orders dated 25.09.2019 etc., which were issued in this batch of Writ Petitions in W.P.No.15120 of 2019, etc.

2. This Court has been issuing directions for a ban on PET bottles and other plastic waste in the Nilgiris and Kodaikanal hills, and this has been continuously monitored. Ever since the ban, it has been a common feature that



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whenever the District Collectors and the authorities increased their vigil, there was a decline in the plastic waste generated and however, the usage increases. Single use PET bottles for water, juices, and soft drinks are strewn everywhere throughout the Western Ghats starting from the Nilgiris town, upto the Agasthyar Biosphere in Kanyakumari District. It is omnipresent in water resources, lakes, and streams. In addition to PET bottles, polythene bags, plastic/thermocool plates, plastic-coated paper plates, paper cups, plastic tumblers, spoons, knives, and similar items littered throughout the hills, posing a grave threat to the environment and local flora and fauna. It goes without saying that managing this solid waste becomes a Herculean task. After unknowingly consuming these plastics, animals die. The forests are facing extinction. The pristine eco system is encountering a major challenge. In these circumstances, this Court has called for further suggestions from the Government, the learned counsel representing the parties, and the learned Amici Curiae. The Government has taken some measures, and certain suggestions have also been made. The learned Amici Curiae have submitted a memo recommending effective enforcement of the ban on plastic products, thereby contributing to the preservation of the Western Ghats. The District Collectors have also proposed certain measures. We will address these at



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the appropriate points while considering each issue in turn.

(i) Prohibited items / banned items:

3. At the outset, all stakeholders need to be aware of what the prohibited items are. Our order dated 25.09.2019 initially banned single-use PET bottles, and the order reads as follows:-

“This writ petition has been filed seeking a direction to the respondents 1 to 6 to prevent entry of plastic packaging of any kind and PET (Polyethylene terephthalate) bottles used for packaging water and soft drinks etc., into the Nilgiris District by restricting the entry of the same at the district boundary check posts and consequently direct the respondents 1 and 2 to ensure supply of purified water at all the public places in the Nilgiris District.

2. Though the writ petition requires a detailed introspection and a detailed order, considering the fact that the Division Bench of the Madurai Bench of this Court in W.P.(MD)Nos.7606 of 2017, 13763 of 2016 and 3633 of 2014 and W.M.P.(MD) Nos.10267, 10949 of 2016 and M.P.(MD) No.1 of 2014 has entertained the above writ petitions as they involve serious environmental issues and had passed a detailed order constituting a committee consisting of Experts from all over India to submit a detailed report suggesting remedial measures including the banning of plastics of any form in order to protect the environment and forests at the Nilgiris, we are inclined to tag this writ petition along with W.P.(MD) Nos.7606 of 2017 etc., batch for a detailed order. However, while doing so and considering the fact that emergent directions have to be issued to conserve the flora and fauna of the Nilgiris, we intend passing certain interim directions.

3. It is to be taken note that the foot fall to the Nilgiris has increased manifold as it is a very important tourist place. However the people visiting the place are indifferent and shows total apathy



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towards maintaining the pristine beauty of the place. The visitors not only use plastic bottles and consume food packed in plastic wrappers but they also discard the used bottled and wrappers everywhere. A report was published in 'The Hindu' dated 28.05.2019 would indicate that during the current season about three tonnes of plastic bottles were removed on the Coonoor Road alone by 80 volunteers. In view of the above state of affairs we are of the view that urgent interim directions be issued to prevent further damage to the environment and forest.

4.The Division Bench of the Madurai Bench of this Court by its order dated 11.01.2019 made in W.P.(MD) Nos.7606 of 2017 etc., batch has observed as follows:

Prelude:-

"Man is the most insane species. He worships an invisible God and destroys a visible Nature, unaware that this Nature he's destroying is this God he's worshipping."

....Hubert Reeves

1.1.Any invasion by an alien species has its own cascading effect on the environment in general and on the local one in particular. This effect is felt with more rigor than invasion orchestrated by human beings. In such cases, invasive species though mostly get introduced through the human beings go beyond their control destroying every object behind it. This phenomena can be attributed to plants, trees, living beings including humans.

1.2.Not all alien species are invasive. IUCN (2000) defines invasive alien species as "an alien species which becomes established in natural or semi-natural ecosystems or habitat, is an agent of change, and threatens native biological diversity", the consequences can be catastrophic.

1.3.These species are the second largest cause for biodiversity loss in the world and impose high costs to agriculture, forestry and aquatic ecosystems. They are a greater threat to native biodiversity than pollution, harvest, and disease combined. My Mother is this vast earth - Rig Veda



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1.4.The earth has lost 60% of wildlife in biodiversity over the last 50 years. The situation has become bad to worse, threatening the very existence.

1.5.The only possible silver lining is the knowledge and awareness of the folly committed by the humanity, escalated by greed and aided by the need and technology. Article 48-A of the constitution of India emphasises a need to improve the environment and to safeguard the forest and wildlife of the country. Article 51-A(g) of the Constitution of India fixes the responsibility on every citizen to do so as a mandate. This mandate is to be applied on all fours. In *Sachidanand Pandey V. State of West Bengal* (AIR 1987 Supreme Court 1109), the Apex Court had observed that "Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Article 48-A of the constitution. Such sentiment was also expressed by the Andhra Pradesh High Court in *T.Damodar Roa V. The Special Officer, Municipal Corporation, Hyderabad*, (AIR 1987 Andhrapradesh 171).

"Protection of environment is not only the duty of the citizen but it is the obligation of the state and all other states including Courts."

Therefore, it is not only the duty of the State but every human being and Institution through a tireless endeavour to protect the environment to protect the environment, which otherwise is the protection of mother earth itself.

8.Biological Consideration:

8.1.Sir Thomas Munro, the Governor of Madras Presidency, made this remark on the grassland in the Western Ghats in 1826, "The Hills are as smooth as the lawns in an English Part and there is hardly one of them which has not a mass of dark wood terminating suddenly as if it had been planted." The crime continued from 1820s to 1937. The plantation went in full swing catering to the need of the then British Government.



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5.The Nilgiris which in English is called the Blue Mountains is part of the larger mountain chain called the Western Ghats. The forests of the Nilgiris is home to the largest herd of Asian Elephants and is one of the most important Tiger habitats of the country. The region is one of the important hotspot of Bio-diversity being rich in fauna and flora and also home to a number of bird species; besides it is a part of Nilgiris Biosphere consisting of Wyanad, Muthanga Wildlife Sanctuary situated in Kerala and Bandipur and Nagarvelli situated in Karnataka; besides Nilgiris itself has the distinction of housing two major sanctuaries namely Mudumalai Wildlife Sanctuary and Mukuruthi National Park surrounded by vast grasslands. The Nilgiris also nurtures the plains in several ways by providing perennial water. Two major rivers namely (Moyar) and Bhavani continuously runs through the forest and assuages the water problems of many Districts of Tamil Nadu. Besides this Nilgiris, also boasts of the highest contribution to power generation at the lowest cost. Therefore, it is the duty of the Courts to protect such a pristine forest and its environment and preserve it for our future generations One of the fundamental duties enshrined in the Constitution (Article-51 A) reads as follows:

"(g)To protect and improve the natural environment including forests, lakes, rivers, wildlife and to have compassion for living creatures:"

6.Though such a duty is cast upon every citizen to protect the environment, of late, we have seen that people have become totally unmindful of the importance of preserving our forest cover. One can enter the Nilgiris, from any one of the neighbouring states of Karnataka and Kerala apart from the entry through Tamilnadu. Gone are the days when the people visited Nilgiris only during the summer, nowadays it is a perennial flow of tourists right through the year. Around forty lakhs tourists visit Nilgiris every year and these tourists show scant respect to the environment. Tourists who enter into the Nilgiris by road carry water bottles and soft drink bottles and also liquor bottles. It has been reported that some of these visitors would use the forest clearing as picnic spots and throw the liquor bottles in these areas causing irreparable damage to the animals and plants. 7.Similarly, the plastic water bottles are also thrown along the road side. Right from the entry from Kerala till Ooty, the roads are surrounded by forests. Similarly, right from Karnataka, namely Bandipur till Ooty, the roads are surrounded by



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National Parks and Reserve Parks. Similarly, the entire route from Mettupalayam to Ooty is surrounded by the Reserve Forests which houses many endangered species like Tiger, elephant etc., and in fact the people unmindful of the importance of the Wild life Sanctuary throw away all the eatables along with the plastic bottles. Such indiscriminate disposal of the waste has not only created an ecological imbalance but also a change in the habits of the animals native to this region. The monkeys commonly known as langurs have become addictive to such food items being thrown which has resulted in many accidental death of these langurs who occupy the road side for these tit bits. Apart from that spotted deer also fall a prey to the food items given by the tourists. The throwing of plastic bottles, packets etc has resulted in the death and injury to several animals.

8.Keeping in mind the above situation and the continued damage being caused to the environment and in order to contain further damage to the environment, we are of the view that the following interim directions are required to be issued immediately and the same has to be implemented keeping in mind Article 48(A) and 51 A (g) of the Indian Constitution.

(i)We direct that at all the entry points into the Nilgiris where forest check posts are available the government of Tamilnadu through the District Collector working in tandem with the Forest Department shall provide adequate man power to check all the tourist vehicles and the other vehicles entering into the Nilgiris and prevent them from carrying plastic water bottles and soft drinks bottles. In case of violation the vehicles owners should be imposed with fines.

(ii)The District Collector shall make arrangements to provide purified potable water to the tourists at reasonable distance at the entry points to the Nilgiris, approximately, at the distance of every 15 Kilometers.

(iii)The District Collector shall ensure that at all the public places RO purified drinking water or potable water should be made available to the tourist and similarly all the Hotels and Restaurants shall be directed to install RO purified drinking water in their premises.

(iv)It is also directed that the District Collector of Coimbatore and the District Collector of Nilgiris shall together co-



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ordinate and post adequate man power from the concerned Departments to check the vehicle at the two entry points at Mettupalayam and Kothagiri, so that the entry of plastics and carrying of plastics can be checked.

(v) Similarly, the Collector of Nilgiris shall ensure that such water bottles and soft drinks bottles are not brought in from the Kerala side and also from the Karnataka in the vehicles coming from there and also the Collector of Nilgiris should ensure that no plastic water bottles should be sold along the road side abutting the forest area. Similarly throughout the route leading to Ooty, the shops shall not be permitted to keep the plastic water bottles.

(vi) All the shops along the entry points in the Nilgiris should be prohibited from selling water in plastic bottles as also juices and food items packed in plastic wrappers. The District Collector and Forest Officials shall ensure that tourist vehicles do not stop alongside the route towards the Nilgiris or in the forest clearing to cook/consume food items. If there is any violation of the above the officials shall forthwith take steps to punish such offenders.

(vii) The District Collector and the State Authorities shall widely publish these directions in all the three States namely, Kerala, Karnataka and Tamilnadu, informing the tourists not to carry any plastic water bottles or plastic covers along with them when they enter the Nilgiris and also highlighting the penalty for vehicles. However they can bring water in reusable containers. In the event of any violation, the vehicles shall not be allowed into the Nilgiris. Such direction is issued keeping in view of the fact that the ban of plastic water bottles and plastic covers has been successfully implemented in the State of Sikkim, particularly North Sikkim.

(viii) The District Collector is also directed to educate the general public about these directions by giving interviews or advertisement

through the print and visual media to bring about awareness among the tourist about the environment damage which is likely to be caused by plastics.

(ix) The District Collector shall also direct all the Municipalities and Panchayats to establish Kiosks at important and crowded places to collect the used plastic bottles and plastic wrappers.

9. In order to protect the environment and eco sensitive places and to prevent further damage, this Court is of the view that such



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directions are necessary. Though inconvenience may be caused to the seller and manufacturer however their inconvenience cannot be redressed at the cost of the environment. This Court also has a moral obligation to protect the environment for the benefit of the future generation. This Court is therefore of the view that such directions are necessary since the people are totally unmindful of their duty to preserve the environment and the nature.

11. Similarly, the State Government should take adequate steps to implement the above directions with regard to the District of Kodaikanal, since it is also one of the important places which has rich grasslands and shola forests.

12. This Court appeals to the people, for the sake of our future generations, to adhere to the direction of this Court. This Court also believes that the State Government shall extend its fullest cooperation in ensuring that the order of this Court is fully implemented and implemented immediately in letter and spirit.

13. The petitioner is directed to implead all the companies engaged in the manufacture of mineral water and soft drinks in order to fix responsibility on them to recycle or to destroy these used plastic bottles etc.,

14. This writ petition is directed to be posted along with W.P.(MD) Nos.7606 of 2017 etc., batch and be posted before the same Bench.

A copy of this order shall also be communicated to the Collector of Coimbatore and Nilgiris immediately.”

4. Prior to the above order, regarding the Nilgiris, firstly, by resolution No.738 of the Udagamandalam Municipality dated 28.03.2018, the following items were banned for use or sale by any person:

- “1) அனைத்து தடிமனாலான பிளாஸ்டிக் பைகள்
- 2) ஒருமுறை பயன்படுத்தக்கூடிய பிளாஸ்டிக் கப்புகள் (நெகிழி)



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- 3) ஒருமுறை பயன்படுத்தக்கூடிய பிளாஸ்டிக் டம்ளர்கள்
- 4) பிளாஸ்டிக் கரண்டிகள், கத்திகள்/முள்கரண்டிகள் (Fork)
- 5) பிளாஸ்டிக் உறிஞ்சும் குழல் (Straw)
- 6) காகித கப்புகள்
- 7) காகித டம்ளர்கள்
- 8) பிளாஸ்டிக் தட்டுகள் மற்றும் முலாம் பூசப்பட்ட காகித தட்டுகள்
- 9) ஸ்டைலோ:போம் /தெர்மகோல் தட்டுகள் மற்றும் பிறவகை தெர்மகோல்
- 10) நெய்யப்படாத வகையிலான பைகள் (PP – Non-Woven). பருக்கை விரிப்புகள் மற்றும் சமையலர் தொப்பிகள்
- 11) பிளாஸ்டிக் கையுறைகள்
- 12) பிளாஸ்டிக் குடிநீர் பாக்கெட்டுகள்
- 13) சில்வர் பூச்சு கொண்ட பைகள்
- 14) பிளாஸ்டிக் பேக்கிங் செய்யப்படும் பொருட்கள்
- 15) பூச்செண்டுகள் மற்றும் பரிசு பொருட்கள் சுற்றப் பயன்படும் பிளாஸ்டிக்குகள்
- 16) லாமினேஷன் செய்யப்பட்ட காக்கி தாள்கள்
- 17) லாமினேஷன் செய்யப்பட்ட பேக்கரி அட்டை பெட்டிகள்
- 18) பிளாஸ்டிக் வாழை இலை வடிவ தாள்கள்
- 19) பிளாஸ்டிக் தோரணங்கள்”

5. Regarding the Kodaikanal Municipality, it passed resolution No.958 dated 22.01.2021, banning the following items from use or sale by any person:

- “1) உணவு பொருட்கள் கையாள பயன்படுத்தும் நெகிழி கையுறை
- 2) நெகிழி பேக்கிங்கு செய்யப்படும் பொருட்கள்
- 3) பூச்செண்டுகள் மற்றும் பரிசு பொருட்கள் சுற்ற பயன்படும் நெகிழிகள்
- 4) லாமினேஷன் செய்யப்பட்ட பேக்கரி அட்டை பெட்டிகள்
- 5) லாமினேஷன் செய்யப்பட்ட காகித தாள்கள்
- 6) வாழை இழை வடிவ நெகிழிகள்
- 7) 5 லிட்டருக்கு குறைவாக உள்ள தண்ணீர் மற்றும் குளிர்பான நெகிழி (PET BOTTLES) பாட்டில்கள்”

6. The Government of Tamil Nadu took a commendable step by passing



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WEB COPY G.O.(Ms) No.84 from the Environment and Forests (EC.2) Department, dated

25.06.2018. It is essential to extract the entire Government Order, which reads as follows:

“ORDER :

The Hon'ble Chief Minister on 05.06.2018, on the floor of the Legislative Assembly, with a view to make Tamil Nadu Plastic Free, has announced, ban on 'one time use and throwaway plastics', irrespective of thickness, with effect from 1. January, 2019 under the provisions of the Environment (Protection) Act, 1986.

2. Accordingly, the following Notification will be published in the TamilNadu Government Gazette:-

NOTIFICATION

WHEREAS, plastic carry bags and other plastic items used in daily life cause short term and long term environmental damage and health hazard;

AND WHEREAS, Article 48-A of the Constitution of India, inter alia, envisages that the State shall endeavour to protect and improve the environment;

AND WHEREAS, it has come to the knowledge of the Government that, the use of 'use and throwaway plastics' such as plastic carry bags, plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw and plastic flags are causing serious environmental hazards and health problems amongst human beings as well as plants and animals;

AND WHEREAS, it is observed that the plastic wastes are also causing blockage of sewers and drains apart from resulting in pollution of water bodies;

AND WHEREAS, with a view to prevent the recurrence of such problems, the State Government have decided to issue the following directions imposing ban on manufacture, storage, supply, sale and use of 'use and throwaway plastics', such as, plastic sheets used for food wrapping, spreading on dining table etc., plastic plates, plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw, plastic carry bag and plastic flags



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irrespective of thickness.

NOW, THEREFORE, in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 (Central Act 29 of 1986) read with Government of India, Ministry of Environment and Forests Notification No.S.0.152(E), dated: 10th February, 1988, the Governor of Tamil Nadu hereby issues the following directions:-

2. This Notification will come into force on the 1st January, 2019:

THE DIRECTIONS

1.(a) No industry or person shall manufacture, store, supply, transport, sale or distribute, 'use and throwaway plastics'.

(b) No person including shopkeeper, vendor, wholesaler, retailer, trader, hawker or salesmen shall use, 'use and throwaway plastics':

Provided that the plastic used for the following purposes are exempted:-

(a) The plastic carry bags manufactured exclusively for export purpose against any export order in a plastic industry located in Special Economic Zone (SEZ) and Export Oriented Units (EOU).

(b) The plastic bags which constitute or form an integral part of packaging in which goods are sealed prior to use at manufacturing/processing units.

(c) The plastic bags and sheets used in Forestry and Horticulture nurseries against the orders from the Government Departments.

(d) The plastic used for packing of milk and milk products (dairy products), oil, medicine and medical equipment.

(e) Carry bags "compostable and from compostable plastics bearing a label and conforming to the Indian Standard: IS or. ISO 17088:2008 titled as Specifications for "Compostable Plastics"

2.(a) The Commissioners, in respect of the Municipal Corporations and the District Collectors, in respect of the local areas other than Municipal Corporations shall ensure prevention of storage, supply, transport, sale, distribution and use of the above said plastic items;

(b) District Environmental Engineers shall ensure prevention



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of manufacturing. of the above said plastic items

Explanation 1 - "Plastic" means, material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate.

Explanation 2 - "use and throwaway plastic" means items such as plastic carry bags or plastic flags, plastic sheets used for food wrapping, spreading on dining table etc. plastic plates, plastic coated tea cups and plastic tumbler, water pouches and packets, plastic straw irrespective of thickness.

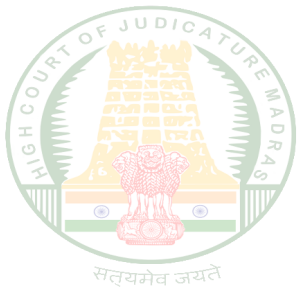
Explanation 3 - "plastic sheet" means sheet made of plastic.

Explanation 4 - "Carry bag" means bag made from plastic material, used for the purpose of carrying or dispensing commodities which have a self carrying feature but do not include bag that constitute or form an integral part of the packaging in which goods are sealed prior to use.

Explanation 5 - The word "compostable plastic" means plastic that undergoes degradation by biological processes during composting to yield Carbon di-oxide, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue."

(Emphasis supplied)

7. The Government followed the above order, pursuant to its '*Meendum Manjappai*' scheme, and issued G.O.(Ms). No.35, dated 24.02.2024. Even though it concentrated on the Government Office premises, the list of items has been carefully mentioned in the said Government Order, and G.O.(Ms.)No.35 is also



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WEB COPY extracted hereunder for ready reference:

“During the Budget session 2021 - 2022, the Government of Tamil Nadu has made an announcement on the floor of the Assembly on 03.09.2021, calling for the implementation of the ban on Single Use Plastics. A State Campaign Titled “Meendum Manjappai”, a call for back to basics and into the future with traditional nature based solutions” was also launched in December, 2021.

2. The Government of Tamil Nadu has been effectively implementing the Meendum Manjappai campaign throughout the State by enforcing the ban on Single Use Plastics (SUP), Carrying out awareness/ IEC activities and promoting eco-friendly alternatives to banned SUPs.

3. To ensure the effective monitoring of the ban on SUP items, a special task force was constituted under the Chairmanship of the Chief Secretary on 07.02.2022. The Tamil Nadu Pollution Control Board (TNPCB) has also been actively conducting various enforcement activities to curb the manufacture of banned SUP items and conducting awareness on banned Single Use Plastic items under the Meendum Manjappai campaign.

4. In order to further strengthen the campaign against Single Use Plastics, the Government directs all Government Departments and Institutions/ Corporations/Boards and Public Sector Undertakings under the administrative control of the Government Departments (herein after referred to as Government Offices) to strictly implement the ban on Single Use Plastics in their premises, including the canteens, pantries, Government events, meetings and functions. The exhaustive list of banned items by Government of Tamil Nadu and Government of India, are as given below:

Sl. No.	List of banned items	Sl. No.	List of banned items
1.	Plastic sheet / cling film used for food wrapping	15.	Plastic carry bags of all size & thickness
2.	Plastic sheet used for spreading on dining table	16.	Candy with plastic sticks



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<i>Sl. No.</i>	<i>List of banned items</i>	<i>Sl. No.</i>	<i>List of banned items</i>
3.	Plastic Thermocol plates	17.	Ice-cream with plastic sticks
4.	Plastic coated paper plates	18.	Polystyrene for decoration
5.	Plastic coated paper cups	19.	Cutlery such as plastic forks
6.	Plastic tea cups	20.	Plastic spoons
7.	Plastic tumbler	21.	Plastic knives
8.	Thermocol cups	22.	Wrapping or packaging films around sweet boxes
9.	Plastic coated carry bags	23.	Wrapping or packaging films around invitation cards
10.	Non-woven Carry Bags	24.	Wrapping or packaging films around cigarette packets
11.	Water pouches / packets	25.	Plastic or PVC banners less than 100 micron
12.	Plastic straw	26.	Plastic stirrers
13.	Plastic flags	27.	Plastic trays
14.	Ear buds with plastic sticks		

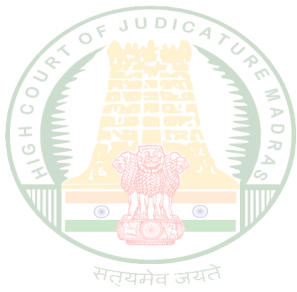
5. In addition to the above all Government Offices, Department and Institutions / Corporations / Board and Public Sector undertakings under the administrative control of the Government Departments shall also ensure that the following is not used in their Offices:

1. Plastic/plastic coated wrapping or packaging for films and books.

2. Plastic coated invitation cards/cards wrapped/sealed in plastic covers/ visiting cards

3. Plastic covers used for books/ booklet binding

6. To facilitate the transition away from the Single Use Plastics, all Government Offices are also encouraged to brand their offices as SUP free offices and promote the alternatives through installation of



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Manjappai vending machines / stores, this could include the adoption of biodegradable packaging materials, reusable containers, and promoting promotion of the Meendum Manjappai mobile application and website among the staffs and visitors. The details of eco-alternatives to Single Use Plastics is available in the TNPCB website, <https://tnpcb.gov.in/meendummanjappai/> .

7. The Government Departments shall send a compliance report on complete ban on SUPs in their Departments and Institutions under them on a quarterly basis.”

8. As a matter of fact, the above ban came to be challenged, and G.O.(Ms) No.84 was upheld up to the Hon'ble Supreme Court of India in the judgment of ***Tamil Nadu and Puducherry Paper Cup Manufacturers Association Vs. State of Tamil Nadu and Others***¹. The Hon'ble Supreme Court of India, in paragraph No.34, held that the state has legislative competence to impose such a ban in the exercise of its power under Section 5 of the Environment Protection Act, 1986. Furthermore, the Hon'ble Supreme Court of India also considered the report submitted by IIT Madras regarding the consumption of these products, which would be deleterious to the environment and cause more pollution, and held that the ban serves the larger public interest.

9. However, there is a lack of clear understanding on the part of tourists,

¹ (2023) INSC 952

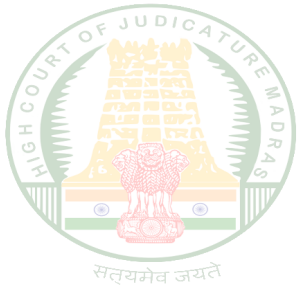


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the general public, traders, etc., regarding the ban on these items, leading to confusion in the strict implementation of the Government Order in G.O.(Ms) No.84, along with the ban imposed by this court. Therefore, upon a complete reading of G.O.(Ms) No.84 dated 25.06.2018, G.O.(Ms) No.35 dated 24.02.2024, and the earlier order of this court dated 25.09.2019, and recognising the serious necessity, we reiterate and hold that the following items shall stand banned for manufacture, use, sale, and transport throughout the Western Ghats in general, and in particular the Nilgiris and Kodaikanal hills in particular. To allay any doubts, we list the said items once again for ready reference:

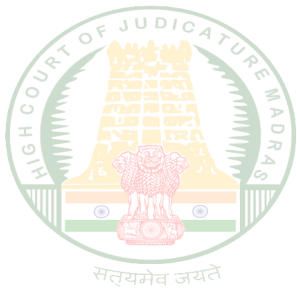
- (1) Plastic pet bottles for packaged drinking water, mineral water, juices, etc, (one time use)
- (2) Plastic sheet / cling film used for food wrapping
- (3) Plastic sheet used for spreading on dining table
- (4) Plastic Thermocol plates
- (5) Plastic coated paper plates
- (6) Plastic coated paper cups
- (7) Plastic tea cups
- (8) Plastic tumbler
- (9) Thermocol cups



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- (10) Plastic coated carry bags
- (11) Non-woven Carry Bags
- (12) Water pouches / packets
- (13) Plastic straw
- (14) Plastic flags
- (15) Ear buds with plastic sticks
- (16) Plastic carry bags of all size & thickness
- (17) Candy with plastic sticks
- (18) Ice-cream with plastic sticks
- (19) Polystyrene for decoration
- (20) Cutlery such as plastic forks
- (21) Plastic spoons
- (22) Plastic knives
- (23) Wrapping or packaging films around sweet boxes
- (24) Wrapping or packaging films around invitation cards
- (25) Wrapping or packaging films around cigarette packets
- (26) Plastic or PVC banners less than 100 micron
- (27) Plastic stirrers
- (28) Plastic trays



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WEB COPY 10. This Court hereby declares the ban on the manufacture, storage, supply, transport, sale, or distribution of the above items throughout the Western Ghats starting from the Nilgiris upto the Agathiyar Biosphere in Kanyakumari District, which includes the Nilgiris and Kodaikanal hill areas.

(ii) The Transportation:

11. Although the District Collectors have been taking initiatives by forming inspection teams, flying squads, and similar initiatives for the past several years, it is now presented to this Court that despite raids and inspections on shops, all tourist vehicles- including buses, vans, and cars- are transporting numerous crates of PET bottles, primarily water bottles, as well as bottles used for packaging other juice products in their goods and luggage compartments. When tourists travel in their own private vehicles and enter, checks are conducted periodically, and passengers or other individuals pay fines if they are found with banned items. Unfortunately, the vehicle operators, owners, drivers, conductors, and those in charge of the buses and other vehicles have shown no interest in checking their vehicles or informing passengers to dispose of all prohibited plastic items before the entry point. On the contrary, they encourage and assist in smuggling a large



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quantity of these banned products, which are hidden in many of the vehicles and buses. Therefore, unless responsibility is assigned to these vehicles transporting prohibited items, achieving the goal will be impossible.

12. In this context, even the respondent authorities, namely the Principal Secretary to Government, Environment and Forest, Government of Tamil Nadu, convened a meeting with the respective Secretaries and District Collectors on 07.02.2025 to consider the imposition of a permit condition. They ultimately decided to include such provisions in the solid waste management rules and also stated that currently there are no provisions in the solid waste management.

13. In our current order, we have clarified that transporting these items is strictly prohibited. The government Order, which is quoted above, also prohibits transporting these items. Given this context, it is evident that the State Government holds the authority to regulate road transport under Section 67 (3). Therefore, it is crucial to extract Section 67 (3) of the Motor Vehicles Act, which states as follows:

“Power to State Government to control road transport



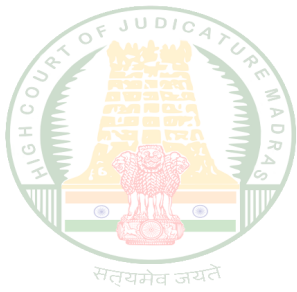
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(3) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, modify any permit issued under this Act or make schemes for the transportation of goods and passengers and issue licences under such scheme for the promotion of development and efficiency in transportation—

- (a) last mile connectivity;
- (b) rural transport;
- (c) reducing traffic congestion;
- (d) improving urban transport;
- (e) safety of road users;
- (f) better utilisation of transportation assets;
- (g) the enhancement of economic vitality of the area, through competitiveness, productivity and efficiency;
- (h) the increase in the accessibility and mobility of people;
- (i) the **protection and enhancement of the environment**;
- (j) the promotion of energy conservation;
- (k) **improvement of the quality of life**;
- (l) enhance integration and connectivity of the transportation system, across and between modes of transport; and
- (m) such other matters as the Central Government may deem fit”

(Emphasis supplied)

14. Therefore, notifications can be issued to modify any permit granted under the Motor Vehicles Act, to create schemes for the transportation of goods and passengers, and also to issue licenses under such schemes to promote efficiency in transportation keeping in mind the need to protect and enhancement



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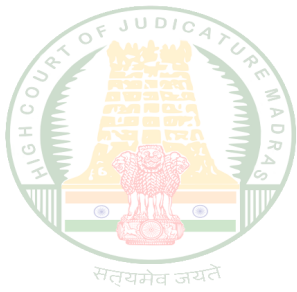
of the environment and improving the quality of life. Consequently, when the State Government, after considering the environmental protection, issued G.O.(Ms.) No.84 exercising its powers under Section 5 of the Environment (Protection) Act, 1986, which was upheld by the Hon'ble Supreme Court of India, it follows that all vehicle permits may need modification or that additional conditions may be imposed to prohibit the transportation of the aforementioned items. The State Government may further notify additional permit conditions or a scheme under Section 67(3) of the Motor Vehicles Act, specifying that vehicles entering Western Ghats as their destination, more particularly the Nilgiris, as well as the Kodaikanal hills shall not transport these banned items. Once such a notification is issued Section 84 (c) of the Motor Vehicles Act, 1988 will come into play. Section 84 (c) is provided here for reference:

“General conditions attaching to all permits

The following shall be conditions of every permit—

(c) that any prohibition or restriction imposed and any fares or freight fixed by notification made under Section 67 are observed in connection with the vehicle to which the permit relates”

15. Thus, it can be seen that if a condition prohibiting the transport of these banned items is added by the State under Section 67 of the Motor Vehicles Act, it



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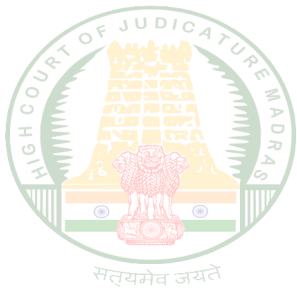
will become a condition of the permit. Section 86 (1) of the Motor Vehicles Act is included below for quick reference:-

“Cancellation and suspension of permits

(1) The transport authority which granted a permit may cancel the permit or may suspend it for such period as it thinks fit—

(a) on the breach of any condition specified in Section 84 or of any condition contained in the permit

16. Therefore, once the condition is violated, it enables the transport authority to cancel or suspend the permit due to a breach of conditions. Furthermore, the Vehicle can be detained under Section 207 of the Motor Vehicles Act, 1988 and the owner of the vehicle and other persons in charge are all liable to be prosecuted for the offences under the Act. Therefore, we believe that, since the State Government in its G.O.(Ms.) No.84 in Clause 1 (a) has explicitly banned the manufacture, storage, supply, **transport**, sale, or distribution of single-use plastics, a necessary general notification under Section 67 (3) of the Motor Vehicles Act. We, therefore, direct the State Government to issue a notification under Section 67 (3) of the Motor Vehicles Act, adding a permit condition and framing a special scheme that prohibits any motor vehicle from transporting the aforementioned banned items by any means into the



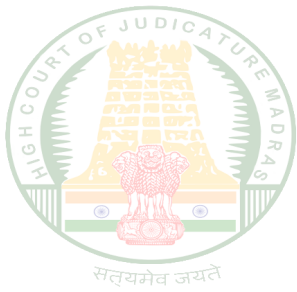
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Western Ghats as their destination, more particularly the Nilgiris and the Kodaikanal Hills. Once the notification is issued, if any of the banned items are found during inspection, the vehicle must be immediately seized and further proceedings initiated for permit cancellation as well as the investigation of the offence.

(iii) The Danger Posed by Wrappers & Packaging Materials:

17. Apart from the previously mentioned banned items, the significant and severe challenge to the environment comes from the multi layered wrappers, foils, multi-layer / single-layer plastics, foil wraps, covers, and packaging materials of various edibles, snacks, and other items. In this context, each day, bales and tons of these packaging materials are not only scattered across the hills and forests, but it can also be observed that at every tourist spot and along the road margins, the quantity of these materials exceeds the handling capacity of the local authorities in these hills. In this regard, it is essential to refer to Rule 20 of the Solid Waste Management Rules, 2016, which is extracted below for easy reference:-

“20. Criteria and actions to be taken for solid waste



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management in hilly areas.- In the hilly areas, the duties and responsibilities of the local authorities shall be the same as mentioned in rule 15 with additional clauses as under:

(a) Construction of landfill on the hill shall be avoided. A transfer station at a suitable enclosed location shall be setup to collect residual waste from the processing facility and inert waste. A suitable land shall be identified in the plain areas down the hill within 25 kilometers for setting up sanitary landfill. The residual waste from the transfer station shall be disposed of at this sanitary landfill.

(b) In case of non-availability of such land, efforts shall be made to set up regional sanitary landfill for the inert and residual waste.

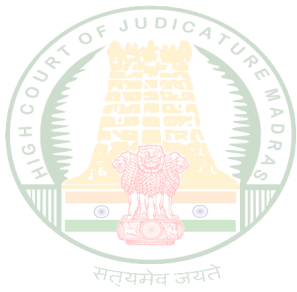
(c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor bottles, soft drink cans, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations.

(d) Local body shall arrange to convey the provisions of solid waste management under the bye-laws to all tourists visiting the hilly areas at the entry point in the town as well as through the hotels, guest houses or like where they stay and by putting suitable hoardings at tourist destinations.

(e) Local body may levy solid waste management charge from the tourist at the entry point to make the solid waste management services sustainable.

(f) The department in- charge of the allocation of land assignment shall identify and allot suitable space on the hills for setting up decentralised waste processing facilities. Local body shall set up such facilities. Step garden system may be adopted for optimum utilisation of hill space.”

18. Thus, it can be seen that disposing of solid waste in hilly areas is impossible. The construction of landfills in the pristine and ecologically sensitive Nilgiris Hills, Kodaikanal Hills, and the entire Western Ghats must be completely



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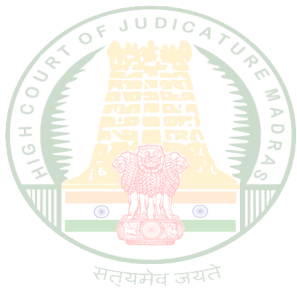
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avoided. Therefore, local bodies can only frame by-laws to prohibit citizens from littering on the streets and to direct tourists not to dispose of any waste materials. In this regard, it is essential to refer to other general rules that would also aid this purpose. Rule 4 (5) of the Solid Waste Management Rules, 2016 reads as follows, and it is extracted here for ready reference:

“4.(5) Every street vendor shall keep suitable containers for storage of waste generated during the course of his activity
such as food waste, disposable plates, cups, cans, wrappers, coconut shells, leftover food, vegetables, fruits, etc., and shall deposit such waste at waste storage depot or container or vehicle as notified by the local body”

19. Even street vendors can be regulated to have a single container box for keeping the plastic covers they sell, and they can be instructed to ensure that tourists do not discard waste, such as plastic covers, that are used from their vending. Rule 15 (g) of the Solid Waste Management Rules, 2016, also imposes a duty on Village Panchayats and urban agglomerations, which is extracted as follows:

“Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations
g) direct waste generators not to litter i.e throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or bury



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waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body

20. The same is akin to Rule 20 (c) of the Solid Waste Management Rules, 2016 and is extracted hereunder:-

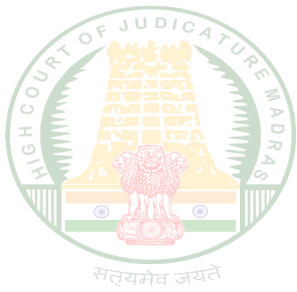
"Criteria and actions to be taken for solid waste management in hilly areas

c) Local body shall frame Bye-laws and prohibit citizen from littering wastes on the streets and give strict direction to the tourists not to dispose any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, any other plastic or paper waste on the streets or down the hills and instead direct to deposit such waste in the litter bins that shall be placed by the local body at all tourist destinations. "

21. More importantly, these brand owners and manufacturers are required to provide financial assistance to local authorities for establishing a solid waste management system. More specifically, they must implement a system to collect their packaging waste generated from their production. Rule 17 of the Solid Waste Management Rules, 2016 is provided below for reference:

"Duty of manufacturers or brand owners of disposable products and sanitary napkins and diapers

All manufacturers of disposable products such as tin, glass, plastics packaging, etc., or brand owners who introduce such products in the 1) market shall provide necessary financial assistance to local authorities for establishment of waste management system



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All such brand owners who sell or market their products in such packaging material which are non biodegradable shall put in place a system to collect back the packaging waste generated due to their production

22. In exercise of its powers under Sections 3, 6, and 25 of the Environment (Protection) Act, 1986, the Government of India has framed the Plastic Waste Management Rules, 2016. According to Rule 2(q), 'plastic waste' refers to any plastic discarded after use or once its intended use is over. Rule 6 assigns responsibility to the respective local bodies to develop infrastructure for the segregation of plastic waste, set up waste management systems using their own funds, and involve the producers. The text reads as follows:

“6. Responsibility of local body.- (1) Every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers.

(2) The local body shall be responsible for setting up, operationalisation and co-ordination of the waste management system and for performing the associated functions, namely:-

(a) Ensuring segregation, collection, storage, transportation, processing and disposal of plastic waste;

(b) ensuring that no damage is caused to the environment during this process;

(c) ensuring channelization of recyclable plastic waste fraction to recyclers;

(d) ensuring processing and disposal on non-recyclable fraction of plastic waste in accordance with the guidelines issued by the Central Pollution Control Board;

(e) creating awareness among all stakeholders about their responsibilities;



- (f) engaging civil societies or groups working with waste pickers; and
- (g) ensuring that open burning of plastic waste does not take place.

(3) The local body for setting up of system for plastic waste management shall seek assistance of producers and such system shall be set up within one year from the date of final publication of these rules in the Official Gazette of India.

(4) The local body to frame bye-laws incorporating the provisions of these rules.”

Rule 7 assigns the responsibility of Gram Panchayats to operationalize and

coordinate waste management in rural areas. The text is as follows:

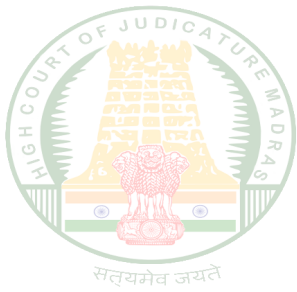
“7. Responsibility of Gram Panchayat.- (1) Every gram panchayat either on its own or by engaging an agency shall set up, operationalise and co-ordinate for waste management in the rural area under their control and for performing the associated functions, namely,-

- (a) ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process;
- (b) creating awareness among all stakeholders about their responsibilities; and
- (c) ensuring that open burning of plastic waste does not take place.”

Rule 8 establishes the responsibility of waste generators to take steps to minimize waste generation and avoid littering with plastic waste and proper segregation, which reads as follows:

“8. Responsibility of waste generator.-(1) The waste generator shall.-

- (a) take steps to minimize generation of plastic waste and segregate plastic waste at source in accordance with the Solid Waste Management Rules, 2000 or as amended from time to time.



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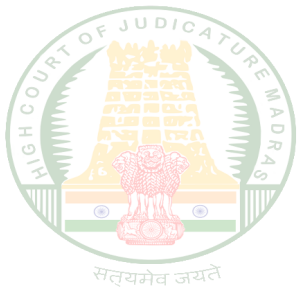
- (b) not litter the plastic waste and ensure segregated storage of waste at source and handover segregated waste to urban local body or gram panchayat or agencies appointed by them or registered waste pickers', registered recyclers or waste collection agencies;
- (2) All institutional generators of plastic waste, shall segregate and store the waste generated by them in accordance with the Municipal Solid Waste (Management and Handling) Rules, 2000 notified vide S.O 908(E) dated the 25th September, 2000 under the Act or amendment from time to time and handover segregated wastes to authorized waste processing or disposal facilities or deposition centers either on its own or through the authorized waste collection agency.
- (3) All waste generators shall pay such user fee or charge as may be specified in the bye-laws of the local bodies for plastic waste management such as waste collection or operation of the facility thereof, etc.;
- (4) Every person responsible for organising an event in open space, which involves service of food stuff in plastic or multilayered packaging shall segregate and manage the waste generated during such events in accordance with the Municipal Solid Waste (Management and Handling) Rules, 2000 notified vide S.O 908(E) dated the 25th September, 2000 under the Act or amendment from time to time."

Rule 9 establishes the responsibilities of producers, importers, and brand

owners, and it is essential to extract the complete rule, which states the following:

"9. Responsibility of producers, Importers and Brand Owners.-

- (1) The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned.
- (2) Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for



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Consent to Establish or Operate or Renewal. The Brand Owners whose consent has been renewed before the notification of these rules shall submit such plan within one year from the date of notification of these rules and implement with two years thereafter.

(3) manufacture and use of non- recyclable multilayered plastic if any should be phased out in Two years time.

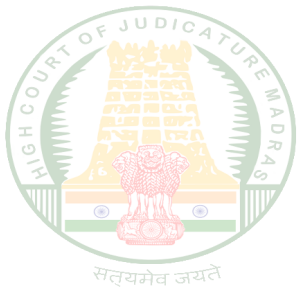
(4) The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration.

(5) No producer shall on and after the expiry of a period of Six Months from the date of final publication of these rules in the Official Gazette manufacture or use any plastic or multilayered packaging for packaging of commodities without registration from the concerned State Pollution Control Board or the Pollution Control Committees.

(6) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multilayered packaging.”

Under Rule 9(2), it is their primary responsibility to collect and establish a system for recovering these wastes. Additionally, Rule 9(3) mandates the phasing out of multi-layered plastic that is non-recyclable, non-energy recoverable, or has no alternative use within two years.

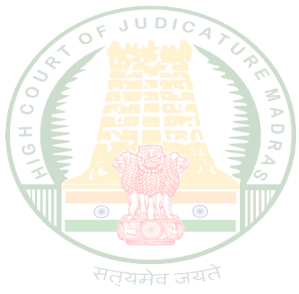
Some vendors are reported to use paper cups made from compostable plastics. However, specific facilities are required to break these down, demanding a temperature of 55- 75 °C with moisture for a continuous period of at least three months. Currently, there are no industrial composting units in Tamil Nadu. Additionally, it is entirely unfeasible in hilly areas such as Nilgiris or Kodaikanal.



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Furthermore, determining whether the coating is plastic or compostable plastic is challenging.

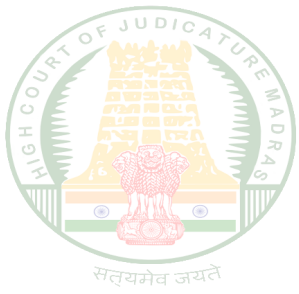
23. Thus, the same categorically reiterates the primary responsibility of producers, importers, and brand owners using these multilayered plastic sachets, pouches, or other plastic products for packaging to establish a system for collecting back the plastic waste generated due to their products. The plan has also to be submitted to the State Pollution Control Boards to obtain consent to operate in the respective locations where they have manufacturing facilities. Therefore, it is clear that the primary responsibility lies with these manufacturers and distributors to implement an effective system for collecting the large quantity of sachets, pouches, and packaging materials. They have not raised a finger so far. The sheer quantity of these packaging materials strewn all over the mountains pose a grave danger to the environment. Consequently, it becomes imperative to direct all vendors in the entire area of Nilgiris and Kodaikanal hills, as well as other regions of the Western Ghats while selling these products, including snacks, biscuits, eatables or any other items, that have multi layered packaging material to customers to retain those packaging materials, covers, sachets, pouches or such



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other material and deliver the contents alone with covers/bags made of disposable material such as paper. Whenever a customer purchases any such product packaged in these materials, they must cut open and transfer the contents to such paper covers, retaining the non-biodegradable materials with themselves. They, in turn, shall re-supply these materials back to their respective distributors, who shall collect and return them to the respective manufacturers. It is up to the manufacturers to devise plans for managing the solid waste. The respective Pollution Control Board, which granted them the consent to operate, will need to oversee how these solid wastes are disposed of safely. However, not a single wrapper, sachet, or packaging material can be strewn in the Nilgiris, Kodaikanal hills, and Western Ghats or left as solid waste. Alternatively, the concerned manufacturers can also consider supplying their products as mentioned in paragraph No. 44 of the Judgment of the Hon' ble Supreme Court of India in the ***Tamil Nadu and Puducherry Paper Cup Manufacturers Association's*** case (cited supra). Alternatives such as biodegradable leaf products, kora grass products made from coconut, screw pine products, earthen products, and steel products, etc. The local bodies are required to make arrangements to procure and supply paper covers to the vendors for their use. They should also explore



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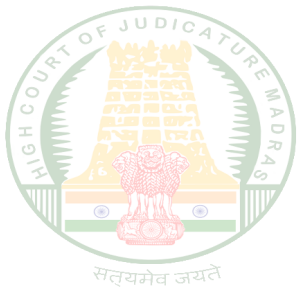
alternatives, such as using butter paper, leaves, etc. Until a scheme is developed in collaboration with manufacturers, the supply of covers can be managed by the local body or the District Collector, with the cost being reimbursed from the Green Fund. Alternatively, the authorities may also consider products made from natural materials such as leaves.

(iv) The Alternatives:

A. Water:

24. Drinking water is the primary concern. The report filed by the District Collector indicates that, by its very nature, both Nilgiris and Kodaikanal receive copious rainfall. The water has been analyzed and found to have TDS and other soluble levels within the permissible limits for drinking water. The study reveals that the water meets the safe drinking water standards, even without additional treatment.

25. Be that as it may, for the sale of mineral water to the intending customers already, 96 water ATMs have been installed across the Nilgiris. But the problem with the ATMs was also mentioned as they become non-functional now

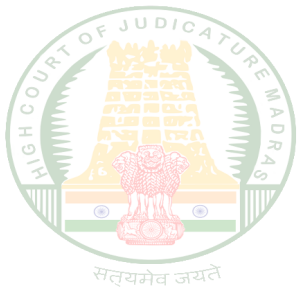


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and then and it requires constant vigil and management. Already, a system has been put in place for the maintenance and upkeep of these ATMs, and they shall continue to be maintained and can also be upgraded by the use of appropriate technology for payment through UPI, Google pay, etc. Additionally, it is proposed by the District Collector, and we hereby direct the establishment of drinking water booths at as many vantage points as possible. These booths should be equipped with Reverse Osmosis (RO) plants, membrane-based water filtering systems, or other appropriate technologies to provide clean drinking water to all tourists. The tourists entering Ooty and Kodaikanal should be ensured that at all vantage points, clean drinking water will be available, and that will greatly reduce the conditioning of the human mind that the water inside the single-use plastic bottle alone is pure and consumable.

26. Originally, as children, we all rushed to the drinking taps to drink water directly from the tap using our hands, and nothing happened. Even now, at the airports, it can be seen that drinking water is provided, and people trust it enough to drink straight from the tap or using the containers that they carry. Therefore, what is needed is only a change in mindset. Thus, the government should allocate



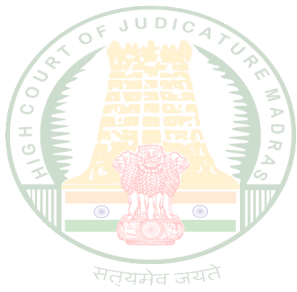
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adequate funds, and the collectors of Nilgiris and Kodaikanal should take all necessary steps to improve the availability of drinking water along with the installation of water ATMs. In this regard, the government and the collectors can also consider public-private partnerships, inviting voluntary organisations that can donate and maintain drinking water kiosks, etc.

B. Deposit Return System:-

27. A deposit return system shall be introduced for reusable cups, tumblers, steel bottles, and food containers, including tiffin carriers of various sizes. Tourists and the general public can pay a small deposit of Rs. 20/- or so for bottles, tumblers, etc., and Rs. 50/- for tiffin carriers to receive food items and beverages from the shops. They can take these items with them and can be allowed to return the containers at any designated return point, where they can receive their deposit refund. This project can be implemented with the assistance of self-help groups and voluntary organisations or by engaging the local community. Restaurants, tea stalls, and vendors can also participate in the project. A similar initiative has already been implemented successfully in the Thirumala Thirupathi Hills, providing a model for the development.



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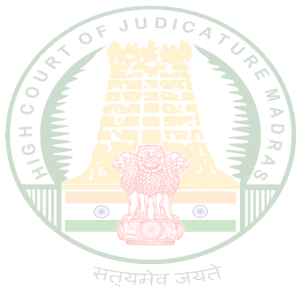
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C. The Tourist Bag Kit:

28. Innovative approaches, such as featuring tourist bags designed as backpacks, shoulder bags, and handbags, made of cloth (in tune with the Government's meendum manjappai scheme), can be readily used by all kinds of tourists. These are termed 'eco packs' and shall include reusable bottles, cloth bags for purchases, and cutlery to promote sustainable eating habits. They can be carefully crafted and supplied to tourists with a minimal deposit, which can also be refundable. Additionally, arrangements can be made for sale of these tourist kit bags for those who wish to buy or sell these items at the entry points.

D. Mobile Application:

29. A special mobile application/website can be created to guide tourists to the availability of water ATMs, Drinking Water Points, Tourist kits, Deposit Return Counters, electric charging points, and more. The specialized mobile app can be developed by including various categories of stake holders such as commercial hotels, restaurants, and tourist attractions, and can be successfully run by involving the local community and business people.



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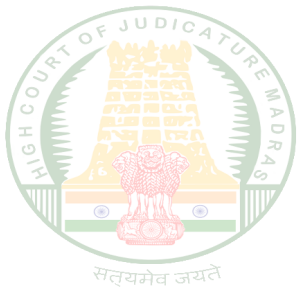
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E. Creating awareness:

30. We have already issued directions to establish vantage points at least every 2 kilometers, at five or six locations, before entering the Nilgiris and Kodaikanal hills. At these points, prospective tourists and individuals entering these areas will be guided, warned, and checked for plastic items. This will allow them to stop their vehicles and offload any prohibited items before proceeding further. The proposed centers can also be utilized to promote the ideas of sustainable development, an eco-centric approach, and the preservation of flora and fauna.

(v) Entry restrictions:-

31. The constant and mandatory checks at all vantage points, without exception, are crucial for implementing the ban. Random checks will always lead to people smuggling these items into Nilgiris, Kodaikanal, and other areas of the Western Ghats; therefore, compulsory inspection of all vehicles entering is essential. This process must first be initiated in Nilgiris and Kodaikanal, and over time, it should be swiftly expanded to encompass all other hill areas of the



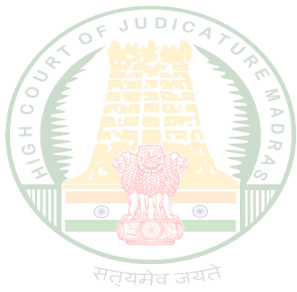
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WEB COPY Western Ghats, starting from the Nilgiris Biosphere and ending in the Agasthyar Biosphere of Kanniyakumari District.

32. Since boom barriers are being installed, it is understood that even before approaching the barriers, tourists must ensure they are not carrying any of the aforementioned banned plastic items. In any event, if any tourists or individuals are found in possession of these banned items after passing the boom barriers, the fines will need to be collected. The rates are already notified and periodically can be revisited and enhanced and collected without fail.

(vi) Vendor responsibility:

33. A vendor responsibility program must be implemented in Nilgiris as well as Kodaikanal. It is not as if the entire burden is shifted to the vendor. However, in a positive and phased manner, their increased involvement leading to the consumers of their respective shops not littering should be devised. In this regard, the scheme has already been well developed and implemented by the State of Sikkim. The municipalities of Ooty and Kodaikanal need to support the development of similar programs. The other municipalities and local bodies in

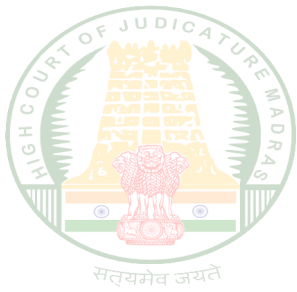


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the Nilgiris and Kodaikanal hilly area shall also endeavour to do the same. A scheme thus be formulated initially, without any penal consequences, imparting involvement and responsibility on the vendors instructing, aiding and encouraging their customers not to litter and maintain bins with them for their use.

(vii) Involving Manufacturers:

34. In accordance with the Solid Waste Management Rules, the District Collectors of Nilgiris and Dindigul shall conduct the inspection of the local shops and gather information to identify the major manufacturers these items packaged in the multilayered or non-biodegradable sachets, tetra packs, packets, bags or other packing materials, firstly of snacks, biscuits, packaged juices and other eatable items. A meeting can be held with the respective manufacturers, virtually or in person, as feasible. They should be involved simultaneously to discuss their proposals and how they can fund local authorities in developing a scheme that includes vendors/distributors for transporting offending wrappers, sachets, multi layered packaging materials, foils, etc, back to them and a scheme must be framed and developed.



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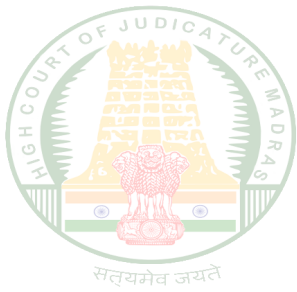
(viii) Safe Disposal of Solid Wastes:

35. We have already issued directions regarding the safe disposal of collected waste materials. In this regard, local authorities have established units. An increased number of units should be meticulously planned and executed to collect, crush, and supply these wastes to appropriate agencies for recycling.

36. In summary, the above directions are consolidated, and this matter is ordered as follows:

(i) The manufacture, storage, supply, transport, sale, and distribution of the 28 items mentioned in paragraph No.9 above are banned throughout the Western Ghats, sanctuaries, and tiger reserves, starting from the Nilgiris up to the Agathiyar Biosphere in Kanyakumari District, which includes the Nilgiris and Kodaikanal hill areas;

(ii) The Government of Tamil Nadu shall issue a notification under Section 67 (3) of the Motor Vehicles Act, adding a condition to the permit/special scheme



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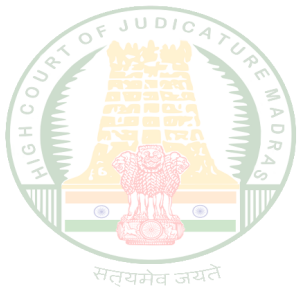
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that mandates no vehicle shall be used for the transport or distribution of banned items along the Western Ghats and Sanctuaries, which include the Nilgiris and Kodaikanal hill areas;

(iii) Vehicles found transporting such items shall be detained, and further action, as outlined in paragraph No.16 of this order- including the detention of the vehicle and prosecution- shall be taken;

(iv) Shop owners, vendors, or any other persons involved in the distribution of snack items, biscuits, or any other consumables packaged in multi-layered wrappers, foils, multi-layered covers, sachets, pouches, or other non-biodegradable packaging materials shall cut open the packaging and transfer the contents to biodegradable paper covers, such as butter paper, that do not contain plastic or materials that take a long time to degrade. Alternatively, they may use natural products like leaf products, kora grass products, earthen products, etc., and must retain the banned packaging materials.

(v) The local bodies shall provide disposable paper covers for their use at



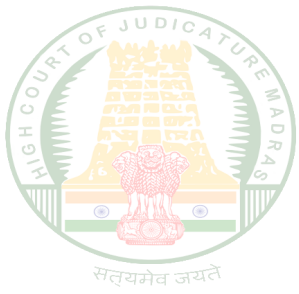
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no cost, and such costs can be reimbursed from the Green Funds. Authorities may supply all types of biodegradable materials, including those made from leaves, etc.;

(vi) The District Collectors, along with local authorities, shall identify the manufacturers of these products, conduct meetings with them, and develop schemes for returning these packaging materials to the manufacturers for safe disposal;

(vii) These plastic and other non-biodegradable packing materials shall be disposed of following the Solid Waste Management Rules and Plastic Waste Management Rules outlined above;

(viii) A scheme shall be developed involving the manufacturers, which will include funding for local authorities to cover expenses incurred with them. The scheme will also address the collection and transport of sachets and other packaging materials back to the manufacturer for safe disposal;

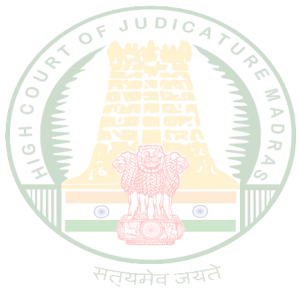


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WEB COPY (ix) The respondents, including District Collectors and local bodies, shall take all necessary steps as outlined in paragraph Nos. 24 to 26 to ensure the availability of drinking water through ATMs, R.O. plants, and other methods;

(x) A Deposit Return System will be implemented, providing reusable cups, tumblers, steel bottles, food containers, and tiffin carriers of various sizes to tourists and the general public upon payment of a small deposit of Rs. 20/-or Rs. 50/-. The deposit will be refunded upon returning the items. These items will be thoroughly cleaned by self-organized groups to encourage sustainable habits among tourists and other visitors.

(xi) Innovative approaches, such as developing a Tourist Bag Kit made from cloth as an extension of the Tamil Nadu Government's 'Meendum Manjappai scheme', can be introduced. This kit would include reusable bottles, cloth bags for purchases, and cutlery to promote sustainable eating habits, along with sellable items like eco-friendly straws, napkins, and small containers for food storage, all aimed at encouraging sustainable tourism practices.

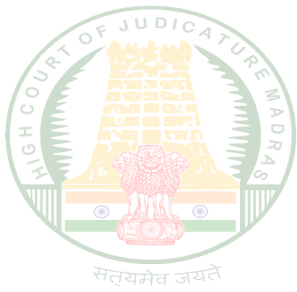


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WEB COPY (xii) A special mobile application or website can be created with the involvement of the local community and business people, which would guide users to the availability of water ATMs, drinking water points, tourist bag kits, deposit return counters, electric charging points, in addition to regular tourist points, etc. Separate names for commercial hotels, restaurants, and similar establishments can also be included in the mobile application.

(xiii) All authorities concerned should continue creating awareness by establishing vantage points at least every 2 kilometers at all entry points, specifically at five or six locations before entering the Nilgiris and Kodaikanal hills, as well as other entry points of the Western Ghats and the Sanctuaries. This way, tourists and visitors will be guided, warned, and checked for plastic items. These centers can also be utilized to promote ideas of sustainable development, an eco-centric approach, and the preservation of flora and fauna among them;

(xiv) Entry checks shall be mandatory at all vantage points without exception at all times. The process must be complied with scrupulously at Nilgiris and Kodaikanal, and over time, it should be swiftly expanded to



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encompass all other hill areas, the Western Ghats, Sanctuaries, and Tiger Reserves. Fines should be meticulously collected from violators.

(xv) A Vendor Responsibility Scheme shall be introduced, whereby vendors will raise awareness by instructing, assisting, and encouraging their customers not to litter, and by providing bins for their use, as detailed in paragraph No. 32 above.

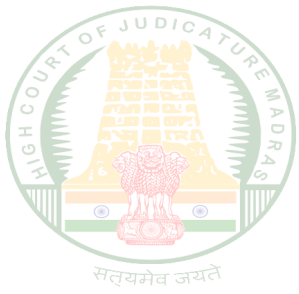
(xvi) The solid waste collected shall be disposed of safely and in a planned manner by properly collecting, crushing, and supplying these wastes to the appropriate agencies for recycling.

37. The concerned respondents shall comply with the respective directions and ensure a status report is filed on 06.06.2025. Call this matter on 06.06.2025.

(N.S.K., J.) (D.B.C., J.)
08.04.2025

Jer/grs
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WEB COPY

1.The Principal Secretary
to Government of Tamil Nadu, Environment
and Forest Department, Secretariat, Fort
St.George, Chennai 600 009.

2.The District Collector,
The Nilgiris District, Collectorate, Ooty
643001.

3.The Commissioner,
Udhagamandalam Municipality, Ooty,
The Nilgiris District.

4.The Commissioner,
Coonoor Municipality, Coonoor,
The Nilgiris District.

5.The Commissioner,
Gudalur Municipality, Gudalur,
The Nilgiris District.

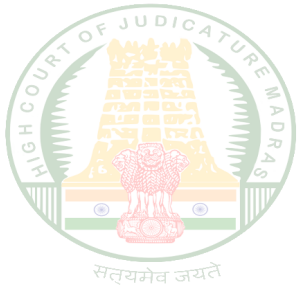
6.The Commissioner,
Kotagiri Town Panchayath, Kotagiri,
The Nilgiris District.

7.The Field Director,
Mudumalai Tiger Reserve, Mount Stuart Hill,
Ooty, The Nilgiris.

8.The District Forest Officer,
The Nilgiris District, Mount Stuart Hill,
Ooty -643001.

9.The Commissioner,
Kodaikanal Municipality, Kodaikanal,
Dindigul District.

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10.The Principal Secretary To Government,
Transports Department, Secretariat,
Fort St. George, Chennai - 600009.

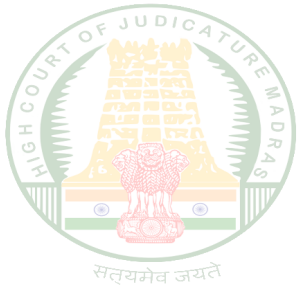
11.The Transport Commissioner,
Government of Tamil Nadu, Commissionerate
of Transport and Road Safety, Ezhilagam,
PWD Estate, Chepauk, Triplicane,
Chennai - 600005.

12.The Principal Secretary,
Department Of Municipal Administration,
Urban And Water Supply, Government Of
Tamil Nadu, Secretariat, Fort St. George,
Chennai.600 009.

13.The Additional Chief Secretary,
Department Of Tourism, Culture And
Religious Endowments Department,
Government Of Tamil Nadu, Secretariat,
Fort St.George, Chennai.600 009.

14.The Secretary To The Ministry Of
Road Transport And Highways, Transport
Bhawan, No.1, Parliament Street,
New Delhi.110 001.

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.



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08.04.2025