

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(CIVIL) NO. 154 OF 2012

WITH

WRIT PETITION(CIVIL) NO. 19 OF 2014

KARUNA SOCIETY FOR ANIMALS
& NATURE & ORS

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

WRIT PETITION(C) NO. 154 OF 2012

Heard learned senior counsel for the petitioners and learned counsel for Union of India & counsel appearing on behalf of the different States, which are being impleaded in this Writ Petition.

This petition is filed by the Karuna Society for Animals & Nature & Ors seeking for issuance of the appropriate directions under Section 5 of the Environment (Protection) Act, 1986, prohibiting the use, sale and disposal of plastic bags in all municipalities and municipal corporations, in the country inter alia, with following prayers :

1.) the Respondent No. 1 to issue appropriate directions under Section 5 of the Environment

(Protection) Act, 1986 prohibiting the use, sale and disposal of plastic bags in all municipalities and municipal corporations;

2.) the Respondent no. 1 to issue appropriate directions to all State Governments and municipalities / municipal corporations to forthwith prohibit and / or to phase out in a time bound manner the "open garbage disposal system" and to remove open garbage receptacles;

3.) the Respondent no. 1 to issue appropriate directions to State Governments, municipal corporations and municipalities requiring them to implement door to door garbage collection and to ensure that waste storage facilities are built and managed such that animals are not allowed to move around in the vicinity of such facilities;

4.) the Respondent No.1 issue appropriate directions to State Government / Municipal Corporation and municipalities to require segregation of all plastic waste across the municipal solid waste collection and disposal chain/systems; and

5.) the Respondent State Governments to issue appropriate directions prohibiting the use, sale and disposal of plastic bags in all municipalities and municipal corporations within their territory.

6.) the Respondent No. 1 and the 19th Respondent to provide animal shelters, rescue homes and veterinary services for stray cattle to provide amelioration for suffering animals.

In support of the above reliefs the averments made in the petition and number of documents were produced which relate to protection of animals and also for the protection of environment. The use of plastic by the residents in the above areas, which is often consumed by the animals adversely affects their digestive tract resulting in their death and postmortem of such dead

animals will be conducted ultimately polluting the whole of the areas where the public residents are residing thereby the public residents would suffer on account of unhygienic conditions that would prevail in the area.

After hearing the learned counsel for the parties and perusing the prayers made in the petition and the material evidence produced for our perusal, it is evident that the situation is very alarming but it is not for this Court to monitor the functioning of concerned authorities & local authorities to see that the areas of the local self government are not polluted. Accordingly, we direct the Union of India and the State Governments to consider the prayers in the petitions and take all necessary steps in the matter in accordance with law by constituting committees consisting of competent persons who have got sufficient knowledge on the subject matter. The Central Government may also set up an appropriate monitoring mechanism in the matter. In our considered view the respective regional Natural Green Tribunal benches can monitor and regulate the cases by passing / giving orders or directions to all the concerned statutory authorities and local self governments in the country for discharge of their constitutional and statutory duties.

With the aforesaid directions & observations, the prayers extracted above are allowed to the above extent

and the Writ Petitions are disposed of.

The petitioners are at liberty to give their suggestions to the concerned authorities and approach concerned statutory authorities / Tribunal in case of violation of statutory provisions in accordance with law.

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Application for permission to appear and argue in person is allowed.

As prayed by Mr. S. N. Bhardwaj, Petitioner-in-Person, the Writ Petition is permitted to be withdrawn with liberty to approach the appropriate forum.

With the aforesaid liberty, the Writ Petition is dismissed as withdrawn.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
JULY 15, 2016

ITEM NO.34

COURT NO.9

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 154/2012

KARUNA SOCIETY FOR ANIMALS
& NATURE & ORS

Petitioner(s)

VERSUS

Respondent(s)

UNION OF INDIA & ORS.

(With application(s) for impleadment and interim relief and office report)

WITH

W.P.(C) No. 19/2014

(With (With application(s) for seeking permission to file additional documents and application(s) for permission to appear and argue in person.)

Date : 15/07/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOELFor Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.
Mr. Aman Shukla, Adv.

M/s. K. J. John & Co., Adv.

Mr. S. N. Bhardwaj,
Petitioner-in-personFor Respondent(s) Mr. Suryanarayana Singh, Sr.AAG
Ms. Pragati Neekhara, Adv.Mr. A. K. Sanghi, Sr. Adv.
Ms. Sunita Gautam, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. Harish Kr. Khinehi, Adv.
Mr. G. S. Makkar, Adv.Mr. Shiv Mangal Sharma, AAG
Mr. Saransh Kumar, Adv.Mr. Ajay Bansal, AAG
Mr. Jagjit Singh Chhabra, Adv.

Mr. Gaurav Yadava, Adv.
Mr. Sanjeev Sen, Sr. Adv.
Mr. Dev Roy, Adv.
Mr. P. Parmeswaran, Adv.

Mr. Rudreshwar Singh, Adv.
Mr. Samir Ali Khan, Adv.

Ms. Ruchira Gupta, Adv.

Mr. Sibbo Sankar Mishra, Adv.
Mr. Nranjan Sahu, Adv.

Mr. D. K. Singh, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Abhijit Sengupta, Adv.

Mr. Jayesh Gaurav, Adv.
Mr. Gopal Prasad, Adv.

Ms. Anjali Sharma, Adv.
Ms. Sujeeta Srivastava, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Surya Kant, Adv.
Ms. Vandita Nain, Adv.

Mr. Gopal Prasad, Adv.

Mr. K. V. Muthu Kumar, Adv.
Mr. Ashutosh Mishra, Adv.

Mr. P. K. Dey, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. D. S. Mahra, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Puja Singh, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

Riku Sarma, adv.
Mr. Navnit Kumar, Adv.
M/s Corporate Law Group

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Parijat Sinha, Adv.
Mr. Ashok Kumar Juneja, Adv.

Mr. Chand Qureshi, Adv.
Mr. V. N. Raghupathy, Adv.

Mr. M. Yogesh Kanna, Adv.
Ms. Nithya, Adv.

Ms. Bina Madhavan, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

Mr. G. Prakash, Adv.
Mr. Jishnu M. L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Naveen Sharma, Adv.
Mr. Mishra Saurabh, Adv.

Mr. Bijender Chadhry, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Dipankar Das, Adv.

Mr. B. S. Banthia, Adv.

Mr. Irshad Ahmad, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Kundan Kumar Mishra, Adv.

Mr. Nirnimesh Dube, Adv.

Ms. C. K. Sucharita, Adv.

UPON hearing the counsel the Court made the following
O R D E R

WRIT PETITION(C) NO. 154 OF 2012

The Writ Petition is disposed of in terms of the
Signed Order.

WRIT PETITION(C) NO. 19 OF 2014

The Writ Petition is dismissed as withdrawn in terms
of the Signed Order.

(RASHI GUPTA)
SR. P.A.

(SUMAN JAIN)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]