

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
PRINCIPAL BENCH , NEW DELHI**

**SUPPLEMENTARY AFFIDAVIT ON BEHALF OF
APPLICANT**

IN

Original Application No.- 179 OF 2025

Shyamlatata Applicant.

Versus

Union Of India & Ors. Respondent(s).

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Dated- 31.08.2025



(Saurabh Tiwari) Advocate

Adv. Roll. No. D/966/2017
703 , Ratnakar Vihar Colony

Banaras Hindu University, Varanasi- 221005.Mob. No.- 9889282315

E-mail- saurabhtiwarihighcourt@gmail.com



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जि.सं. 11,948

31, Aug
2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

AFFIDAVIT
IN

Original Application (OA). NO.- 179 OF 2025

IN THE MATTER OF :-

SHYAMLATA

Aged about 47 Years

Wife of- Rajesh Kumar Sharma

Resident of - 38/42 C A A, Koniya

Varanasi, Uttar Pradesh. Pin Code-221001.

E-mail- saurabhthiwarilegal@gmail.com



..... Applicant.

VERSUS

1. Union Of India

Through The Secretary

Ministry Of Environment, Forest & Climate Change ,

Indira Paryawaran Bhawan , Jorbagh Road ,

New Delhi-110003.

E-mail- id - secy-moef@nic.in

2. State Of Uttar Pradesh

Through The Chief Secretary

State Of U.P. 101 , 'B' Block , Lok Bhawan , U.P. Secretariat

Lucknow- 226001 , Ph. No.- 0522-2289212

E-mail - csup@nic.in

3. Environment Forest and Climate Change Department ,

State Of Uttar Pradesh.

Through The Additional Chief Secretary.

524-25 , Bapu Bhavan , Secretariat , Lucknow.

Pin Code- 226001 .

Ph. No.- 0522-2239387.

E-mail - psforest2015@gmail.com , pccf-up@nic.in

4. District Magistrate , Varanasi.

Collectorate Compound , Varanasi , Uttar Pradesh.



श्यामला

Pin Code- 221102.
 Mob. No.- 9454417579.
 E-mail- dmvar@nic.in

5. Commissioner Of Police, Varanasi

Katchari Parisar , Opposite Circuit House
 Varanasi , (U.P.) – 221002.
 Mob. No.- 9454400442.
 E-mail- cp-pol.va@up.gov.in

6. Central Pollution Control Board

Through The Chairman
 Parivesh Bhawan , East Arjun , Delhi-10032 .
 Ph. No.- 011-22307233.
 E-mail- ccb.cpcb@nic.in

7. Uttar Pradesh Pollution Control Board

Through The Member Secretary
 Vibhuti Khand , Gomti Nagar , Lucknow.
 Uttar Pradesh- 226010 , Ph. No.- 0522-2720699.
 E-mail- ms@uppcb.in

..... Opposite Party/Respondent(s).

THIS SUPPLEMENTARY AFFIDAVIT IS BEING FILED THE APPLICANT TO BRING ON RECORD THE RELEVANT MATERIAL AND ORDERS OF THE COURT TO SHOW THAT THE APPLICANT IS ENTITLED TO CLAIM COMPENSATION BY INITIATING THE PROCEEDINGS BEFORE THIS HON'BLE TRIBUNAL.

1. That , this supplementary affidavit is being filed by the applicant to bring on record the relevant material and orders of the court to show that the applicant is entitled to claim compensation by initiating the proceedings before this hon'ble tribunal. Hon'ble this **Tribunal Order dated 30.04.2025** is being annexed and marked as **Annexure No. 1** to this Affidavit.

2. That , present applicant has lost his son by a environmental hazardous Chinese Manja which slitted the throat while driving the bike and he succumbed to the injuries in the Trauma Center , BHU at Varanasi



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dated on 31.12.2024. At , the time of the incident I was on the ride with my son.

3. That , **Hon'ble this Tribunal in case of Khalid Ashraf & Another Vs. UOI & Ors. (O.A. NO. 384 OF 2016)** delivered a 113 pages brief judgment dated on 11th July , 2017 by which Hon'ble this Tribunal has **directed all the state Governments to prohibit the manufacture , sale , store, purchase and use of synthetic Manjha/Nylon thread and all other similar synthetic threads , used for kite flying.** Hon'ble this Tribunal issued the 6 point guideline to enforce the complete ban on the Chinese Manjha. **True copy of Hon'ble this Tribunal Judgment dated 11.07.2017 in Khalid Ashraf & Another Vs. UOI & Ors. (O.A. NO. 384 OF 2016)** is being annexed and marked as **Annexure No.- 2** to this Affidavit.
4. That , it is pertinent to point out that **Hon'ble this Tribunal** in the **Khalid Ashraf (Supra)** judgment in **paragraph No. 102 , observed that harmful strings/manjha made of nylon, plastic , synthetic and other artificial sharp material has overall unsafe and hazardous effects on the environment as well as threat to live species. Further in paragraph No. 109 of the said judgment Hon'ble this Tribunal observed that that Chinese Manjha not only created problem for birds animals and human beings , but damages the environment as well.**
5. That , **in the matter of death due to Chinese manjha , Hon'ble Delhi High Court** in W.P (C) 10498 OF 2023 (Sandeep V. State of NCT of Delhi & Ors.) by order dated 09.08.2023 has **directed the State Government(NCT delhi) to file a comprehensive policy for grant of compensation for people who have lost their life and limb by such accident. True copy of the Hon'ble Delhi High Court Order** is being annexed and marked as **Annexure No.- 3** to this Affidavit.



रयामल

6. That , in the RTI filed through my counsel regarding status of comprehensive policy for grant of compensation for people who have lost their life and limb by such accident in order to compliance of above noted Hon'ble Delhi High Court Order in W.P (C) 10498 OF 2023 (Sandeep V. State of NCT of Delhi & Ors.) . **Public Information Officer(PIO) , Office of Divisional Commissioner , Revenue Department , Relief Branch , Delhi by reply dated 31.07.2025 asserted that Policy/Rule for grant of compensation to family members in case of death of the people due to Chinese Manjha is under consideration. True copy of the RTI reply by Divisional Commissioner , Revenue Department, Relief Branch , Delhi is being annexed and marked as Annexure No.- 4 to this Affidavit.**
7. That, it is acknowledged by Hon'ble this Tribunal in **Khalid Ashraf & Another Vs. UOI & Ors. (O.A. NO. 384 OF 2016)**, case that use of Chinese Manjha/nylon itself is violation of environmental norms that led to the incident of death of my young son. State is failed to identify the offenders & also completely failed to impose a complete ban on use , purchase & manufacture of the Chinese Manjha as directed by Hon'ble this Tribunal in **Khalid Ashraf (supra)** case. In such a situation, principle of absolute liability is attracted as laid down in **MC Mehta, (1987)1 SCC 395.**
8. That , in the present case , death of the my son is patently due to violation of environmental norms. The State Authorities failed to enforce the law and prevent the incident. It is acknowledged by Hon'ble this Tribunal in **Khalid Ashraf & Another Vs. UOI & Ors. (O.A. NO. 384 OF 2016)**, case that use of Chinese Manjha/nylon itself is violation of environmental norms and further observed that harmful strings/manjha made of nylon, plastic , synthetic and other artificial sharp material has overall unsafe and hazardous effects on the environment as well as threat to live species. Violation of environmental norms affects right to life. Thus, the state cannot escape liability for violation of environmental norms.

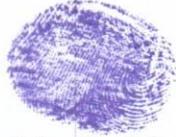


While primary liability is of the persons engaged in the manufacture, use, sale, purchase of the Chinese Manjha on 'Absolute Principle' laid down in M.C. Mehta v. Union of India , (1987) 1 SCC 395 , when the violators has not been identified & State is completely failed to enforce the complete ban on the use of the Chinese Manjha / Nylon , then it is the liability of the State to pay the compensation and recover the same from the violators.

9. That , in the light of above mentioned fact and circumstances of this present affidavit along with fact and circumstances of the present Original application (O.A. No. 179/2025) and keeping in view of the various judgments of Hon'ble this Tribunal & Hon'ble Delhi High Court as mentioned above, it is most humbly prayed that Hon'ble this Tribunal may kindly be pleased to allow the present Original Application and may pass such order(s) as may be deemed fit and proper.

VERIFICATION

Verified at Varanasi on this 31st Day of , August , 2025 that the contents of this affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed there from.



So , Help Me God !

Dated: 31/08/2025

DEPONENT/APPLICANT

Saurabh Tiwari Through
(Saurabh Tiwari)

Advocate

Adv. Roll. No. D/966/2017
703 , Ratnakar Vihar Colony

Banaras Hindu University, Varanasi- 221005.

Mob. No.- 9889282315

E-mail- saurabhtiwarihighcourt@gmail.com

पंजीयन / Registration

क्र.सं./Sr. No. 11948

दि./Dt. 31-8-25

स्थान/Place Vns. Ut.

एडव/Adv. *Saurabh Tiwari*

By *Uday Tewari*

एडव/Adv. दि.कं.वा.०

C.C.V.U.P.



श्यामलता

श्यामलता

भारत सरकार
Government of India

श्यामलता
SHYAMLATA
जन्म तिथि / DOB : 11/10/1977
महिला / Female

XXXX XXXX XXXX

आधार - आम आदमी का अधिकार

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

पता:
W/O: राजेश कुमार शर्मा, ए 38/42
सी 1 ए, कोनिया, वाराणसी,
वाराणसी, वाराणसी, उत्तर प्रदेश,
221001

Address:
W/O: Rajesh Kumar Sharma, A
38/42 C 1 A, KONIYA,
VARANASI, Varanasi, Varanasi,
Uttar Pradesh, 221001

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श्यामलता

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
PRINCIPAL BENCH , NEW DELHI**

**ANNEXURE NO. (1)
IN
SUPPLEMENTARY AFFIDAVIT
IN**

Original Application No.- 179 OF 2025

Shyamlata Applicant.

Versus

Union Of India & Ors. Respondent(s).

**TRUE COPY OF HON'BLE THIS TRIBUNAL ORDER
DATED 30.04.2025.**



श्यामलता

Item No. 06

Court No. 1

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

Original Application No. 179/2025

Shyamlata

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.04.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Saurabh Tiwari & Mr. Vikash Tiwari, Advs.

ORDER

1. Learned Counsel for the applicant seeks adjournment to place on record the relevant material and orders of the court to show that the applicant is entitled to claim compensation by initiating the proceedings before this Tribunal.
2. List on 02.09.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 30, 2025
HB

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
PRINCIPAL BENCH , NEW DELHI**

**ANNEXURE NO. (2)
IN
SUPPLEMENTARY AFFIDAVIT
IN**

Original Application No.- 179 OF 2025

Shyamalata Applicant.

Versus

Union Of India & Ors. Respondent(s).

**True copy of Hon'ble this Tribunal Judgment dated
11.07.2017 in Khalid Ashraf & Another Vs. UOI & Ors.
(O.A. NO. 384 OF 2016).**



24/1/2017

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

Original Application No. 384 of 2016

And

Original Application No. 442 of 2016

MA. Nos. 1247/2016 & 317/2017

IN THE MATTER OF:

1. KHALID ASHRAF

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

2. SMT. RANI

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

.....Applicant(s)

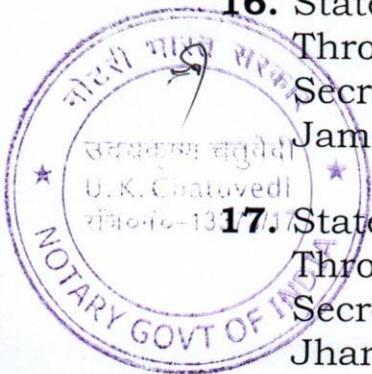
Versus

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



Secretariat, Raipur, 492001
Chhattisgarh

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



18. State of Karnataka
Through its Chief Secretary,
Secretariat, Banglore- 560001
Karnataka
19. State of Kerala
Through its Chief Secretary,
Secretariat, Thiruvananthapuram-695001,
Kerala
20. Union Territory of Lakshadweep
Through its Administrator
Kavaratti-682555, Lakshadweep
21. State of Madhya Pradesh
Through its Chief Secretary,
Secretariat, Bhopal-462004,
Madhya Pradesh
22. State of Maharashtra
Through its Chief Secretary,
Secretariat, Mumbai-400032,
Maharashtra
23. State of Manipur
Through its Chief Secretary,
Secretariat, Imphal-705001,
Manipur
24. State of Meghalaya
Through its Chief Secretary,
Secretariat, Shillong-793001,
Meghalaya
25. State of Mizoram
Through its Chief Secretary,
Secretariat, Aizawl-796001
Mizoram
26. State of Nagaland
Through its Chief Secretary,
Secretariat, Kohima-797001,
Nagaland
27. State of Odisha
Through its Chief Secretary,
Secretariat, Bhubaneshwar-751001,
Odisha
28. Union Territory of Pondicherry
Through its Chief Secretary,
Pondicherry-605001



29. State of Punjab
Through its Chief Secretary,
Secretariat, Chandigarh
Punjab
30. State of Rajasthan
Through its Chief Secretary,
Secretariat, Jaipur-302005,
Rajasthan
31. State of Sikkim
Through its Chief Secretary,
Secretariat, Gangtok-737001,
Sikkim
32. State of Tamil Nadu
Through its Chief Secretary,
Secretariat, Chennai-600009,
Tamil Nadu
33. State of Tripura
Through its Chief Secretary,
Secretariat, Agartala-799001,
Tripura
34. State of Telangana
Through its Chief Secretary,
Secretariat, Hyderabad, Telangana
35. State of Uttar Pradesh
Through its Chief Secretary,
Secretariat, Lucknow-226001,
Uttar Pradesh
36. State of Uttrakhand
Through its Chief Secretary,
Secretariat, Dehradun-248006,
Uttrakhand
37. State of West Bengal
Through its Chief Secretary,
Secretariat, Kolkata-700001,
West Bengal

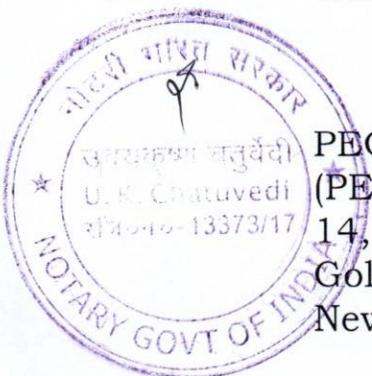
.....Respondent(s)

AND

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
(PETA) INDIA
14, Doctor Lane, Classic House,
Gole Market,
New Delhi -110001

..... Applicant

२५/१०/१७



Versus

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

.....Respondent(s)

COUNSEL FOR APPLICANT:

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

COUNSEL FOR RESPONDENTS:

Ms.Taruna A. Prasad, Adv, for respondent no.1

Mr. B.V. Niren, Adv. Mr.Dhruv Pal and Mr.Ramandeep Singh, Advs. for State of Gujarat and GPCB

Mr.JoydeepMazumdar, Mr.ParijatSinha and Mr.RohitDutta, Advs.

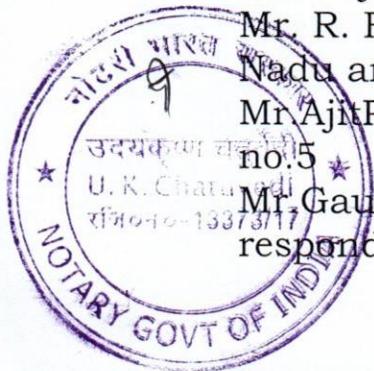
Ms.SakshiPopli, Adv. For Ministry of Environment, Forest and Climate Change

Mr. Raj Kumar, Adv. with Mr.Bhupender Kumar, LA for CPCB

Mr. R. RakeshSharm and Mr. S. Anand, Advs. for State of Tamil Nadu and TNPCB for respondent no. 1,3&4

Mr.AjitPudussery and Ms.ShrutiSarma, Advs. For respondent no.5

Mr.Gautam Singh and Mr.Rudreshwar Singh, Adv. For respondent no.6



Mr.ShubhamBhalla, Adv. Mr.ShadanFarasat,
Ms.PriyaSreenivasan and Ms.RudrakshiDeo, Advs for
respondent no.8

Mr.Tarunvir Singh Khehar and Ms.GuneetKhehar and
Mr.CharanJeet Singh, Advs. Mr.NaginderBenipal, Advs. For
PPCB Respondent No. 27: Ms.RajdipaBehura and Ms.Garima
Singh Yadav, Advs. for State of Odisha for respondent no.11

Mr.AbhishekYadav, Adv. For State of Uttar Pradesh

Mr.Gautam Singh, Adv. for Mr.Rudreshwar Singh, Adv. For
respondent no. 35

Mr.Vinay Mohan Sharma, AAG and Mr.NaginderBenipal, Adv.
Mr.SapamBiswajit, Adv. for State of Manipur

Mr.MazagAndrabi, Advs. for State of J&K

Mr. Edward Belho, Mr. K. Luikang Michael and
Ms.ElixGangmei, Advs. for State of Nagaland

Mr.Gopal Singh, Ms.VarshaPoddar and Mr. Kumar Milind,
Advs. for State of Tripura

Mr. Anil Grover, AAG, Mr. Rahul Khurana and
Mr.SandeepYadav, Advs. For State of Haryana

Ms.ShashiJuneja, Adv. for State of Chhattisgarh

Mr. V.K. Shukla, Ms. Vijay Laxmi, Advs. for State of MP

Mr. Guntur Prathoka, Mr. Guntur Pramod Kumar and
Mr.PrashantMathur Advs. for State of AP

Mr. Shiv Mangal Sharma, Mr.SaurabhRajpal, and Mr.Adhiraj
Singh, Advs. for State of Rajasthan

Mr. D.K. Thakur, AAG for State of Himachal Pradesh

Mr.TanayPareek, Ms.Tanvi Sharma, Advs. Mr.Dhruv Pal, Adv.
and Mr.Tushar Mehta, ASG, for State of Gujarat and GPCB Ms.

ArunaMathur, Mr.AvneeshArputham, Mr.AmitArora and
Ms.AnuradhaArupatham, Advs. for State of Sikkim.

Mr.Vivek Singh and Ms.Vishakha, Advs. for State of Uttrakhand

Dr. Manish Singhvi and Mr.Shailja Nanda Mishra, Advs. in M.
A. No. 127/2017

JUDGEMENT

PRESENT:

Hon'bleMr. Justice Swatanter Kumar (Chairperson)

Hon'bleMr.JusticeRaghuvendra S. Rathore (Judicial Member)

Hon'bleMr.Bikram Singh Sajwan(Expert Member)

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

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



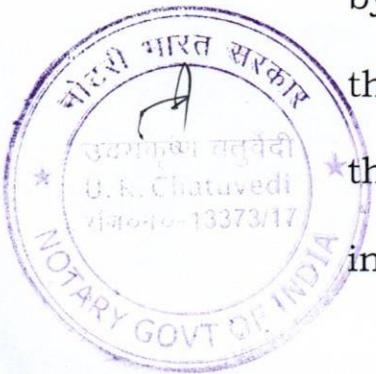
2. Whether the judgment is allowed to be published in the NGT Reporter?

RAGHUVENDRA S. RATHORE (JUDICIAL MEMBER) J

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

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

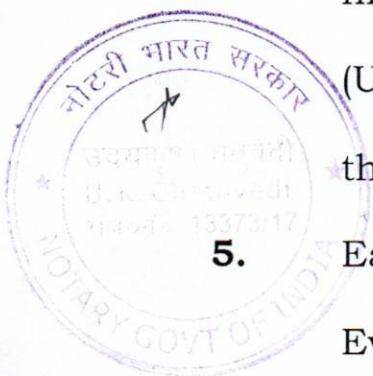
2. Looking to the fact that manjha for kite flying is used during festivals, across the length and breadth of the country redressal has been sought by the applicants against all the State Governments and Union Territories. After hearing the learned counsel for the applicants notices were issued to all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



3. In these applications, directions have been sought for all the States Government and Union Territories to take steps under the provisions of Environment Protection Act 1986; The Prevention of Cruelty to Animals Act 1960; The Wildlife (Protection) Act 1972; The Indian Penal Code and any other provisions of law, to prohibit manufacture, use, sale and purchase of any kind of synthetic/ nylon threads used for kite flying and to strictly enforce the prohibitions throughout the States and Union Territories. According to the applicants this is an important issue of public interest and has national importance. Such threads are made of nylon and synthetic material which are very dangerous and are capable of cutting human flesh. It is in common parlance, known as nylon thread manjha or Chinese manjha.

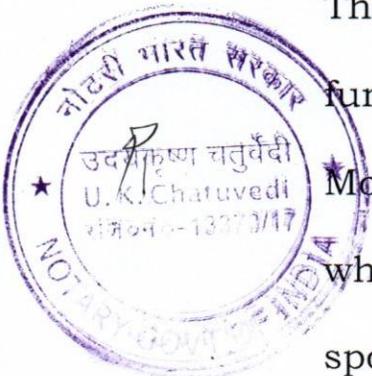
4. Further the case of the applicants is that they are the family members of victims who lost their lives due to the use of this deadly nylon/ synthetic manjha. One person had died in District Moradabad (U.P.) when he was travelling on a motorcycle along with his father. He came in contact with the nylon kite thread which had slit his throat. Another person had died in District Bareilly (U.P), in similar circumstances, because of the nylon thread.

5. Earlier the victims of such threads were mostly birds. Every year there are wide spread news and reports of



thousands of casualties of birds due to nylon thread but now human beings have also come under this threat. Various incidents, across the country, are being reported through the media. These threads are being manufactured at various places in the country. One spool of nylon manjha costs about Rs. 300 and that of the traditional cotton thread is about Rs. 900. Amongst the threads used for flying kites, 80 per cent is made of nylon which is being made available in market. Even after circulars/ orders for banning the sale of such threads, they continue to be sold in markets of Delhi, Ludhiana and Bangalore etc. It had been reported in the media that States like Maharashtra, Andhra Pradesh, Telangana, Karnataka, etc. have imposed a complete ban on the use of Chinese manjha. Many High Courts of various States like Rajasthan, Allahabad, etc. have directed that threads made of plastic or any such synthetic or of other toxic material should not to be used for kite flying.

6. Further, it is the case of the applicants that nylon/ synthetic manjha is made of monofilament fishing line. The said line is made of a single plastic fiber and is further glass coated, which makes it deadly. Monofilament is made by melting and mixing polymers which is extruded through tiny holes, and then spun into spools of various thicknesses. It has also been submitted



that a report titled as “*Kite flying: Effects of Chinese manjha on birds in Bangalore, India*”, talks about the ill effects of nylon manjha on the environment. Most Monofilament are non-biodegradable and because of it being thin in nature and often clear, it is very difficult for birds and animals to see. They easily get brushed against the manjha and entangled in it. These lines also present a risk to swimmers and scuba divers. The breakdown of the lines in streamers often leads to micro-plastic which may cause starvation or poisoning of organism in soil or water.

It is also submitted that the Ministry of Environment and Forests, had taken note of this menace on 9th September, 2014 whereby it requested all the States and Union Territories to take appropriate action in the matter.

7. The applicant in O.A. No. 442/2016, *People for Ethical Treatment for Animals (PETA) India*, has also submitted with regard to the ill effects of use of manjha in kite flying which is coated with material like crushed glass/ metal or any other sharp material. These threads not only cut through the kite strings in the air but are quite capable of cutting through the skin of the animals and human beings. Kite flying is a recreational activity and it does not require utilization of harmful strings like synthetic or coated with sharp material manjha for flying kites. Use



of plain cotton thread is better suited for the purpose as it is incapable of causing injures to human beings, birds, animals etc.

8. During kite flying activity, 100s and 1000s meters of manjha thread is used by the people. After kite flying, much of the thread is discarded and improperly disposed by its user. The discarded threads are found scattered on the ground, down the drain, water channels, etc. The said string/thread is non-biodegradable and therefore retains its presence for extended duration and causes clogging of water based system, apart from polluting it and even cutting of electric lines and power cables.
9. The indiscriminate use of manjha for kite flying has, in the past few years, not only injured adults and children but have even resulted in numerous fatalities. During such kite flying, rare endangered birds, like the Indian White Rumped Vulture, are frequently injured or killed. A manjha tied up/ flown with a kite is almost invisible, once it achieves alleviation. The brunt of its sharpness is thereafter suffered by the birds who are unable to see the manjha due to its fineness, being transparent and light coloured material polished on it. Manjha is a big threat when it comes in contact with live over-head electric wires or gets stuck in electric poles. In 2011, the Reliance Infrastructure issued an Advisory (11.01.2011)



to the kite flyers to avoid flying of kites near over-head transmission lines.

10. The applicant had approached the Hon'ble Supreme Court by filing a writ petition (No. 874/2015) seeking a ban on the use of synthetic Manjha in India. The Hon'ble Court by its order dated 08.01.2016 allowed the applicant to withdraw the petition with liberty to approach such other forum as may be available under law.
11. In both these applications similar reliefs have been sought from the Tribunal that direction be issued to the respondents to prohibit/ ban the manufacture, use, sell, purchase, import of nylon manjha and all similar synthetic threads used in kite flying. Further, such prohibition should be strictly enforced throughout the country to preserve the life of human beings, birds and animals.
12. After hearing the learned counsels for the applicants and on issuance of notices to the respondents, the case was considered at preliminary stage. It was thought just and proper on **14th December 2016** that due protection needs to be given to wildlife as well as environment, besides the resultant injuries/ deaths of human beings. Accordingly, directions were issued **"that in the entire country there shall be prohibition on procuring, stocking, sale and use of nylon thread which is also**



called Chinese Dor or Chinese manjha and other synthetic thread coated with glass and such other harmful substances for kite flying". However, it was made clear that cotton thread, other than aforesaid thread, could be used for kite flying but such thread which is glass coated or coated with other harmful material will not be permitted to be used for the same.

13. After putting in appearances, some of the respondents have filed their replies to the application. The **State of Andhra Pradesh** has, through its Principal Chief Conservator of Forest and Chief Wildlife Warden submitted a short reply. It has been mentioned in the reply that the State Government has issued an order on 16th April, 2014, whereby ban has been imposed on procuring, stocking, sale and use of nylon threads which is commonly called as Chinese dor or synthetic (non-biodegradable) threads coated with glass or other harmful substances used for kite flying as they are likely to cause grievous injury and inconvenience to animals, birds as well as human beings during festival or on other occasions.

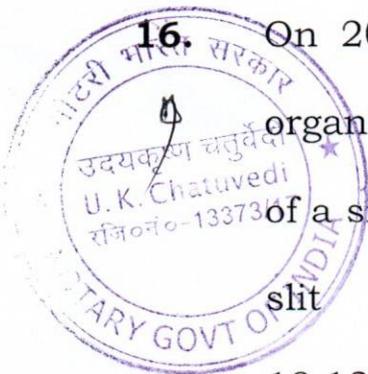


14. The Government has also issued instructions that the concerned department/ organizations shall take necessary action immediately to sensitize the people for not using such material and make them aware to use eco-friendly materials which are biodegradable and not

harmful to animals as well as human beings. The said orders of the Government were communicated to all Circle heads and DFOs, for information and necessary action.

15. Similarly, the Deputy Superintendent of Police, **Government of Odisha**, Respondent No. 27, has also filed reply affidavit to the application. It has been stated on oath that the State of Odisha, through its Home Department, had issued a notification on 29th August, 2016 imposing ban on sale, purchase and use of Chinese manjha, in the interest of the public. As Chinese manjha or such material, by whatsoever name it may be called, is unsafe for human life. The order issued by Government of Odisha has been communicated to the Director General of Police, Odisha; the Commissioner of Police, Bhubaneswar and Cuttack; all the SPs; all the Collectors of the State; Finance Department; Commerce & Transport Department; Industries Department and Micro, Small & M.E. Department and The Director of Printing, Stationary and Publication, Odisha at Cuttack was also informed to publish the said notification in the Gazette.

16. On 20th December, 2015 the Collector of Cuttack had organized a meeting in his office, in the wake of the death of a six year old girl because of coated manjha which had slit her throat near Telengapentha, Cuttak on 18.12.2015. The said meeting was attended by Social



Workers, Lawyers and many Public spirited persons. There were thorough discussions about sale, purchase and use of Chinese manjha (Glass powder coated string) and Plastic string for flying of kites which was causing danger to human life. Thereafter decision was taken to ban the same.

17. The Collector of Cuttack circulated the above order in a press conference and warned the violators not to use such material in kite flying which are hazardous and fatal for human lives. He had also specified certain places in Cuttack township area for kite flying. Similarly, on receipt of the order of the High Court, DCP Cuttack had on 30 November, 2016 circulated the same to all the police stations under his jurisdiction for its implementation and to take legal action, as per the provisions of the law, against the violators.

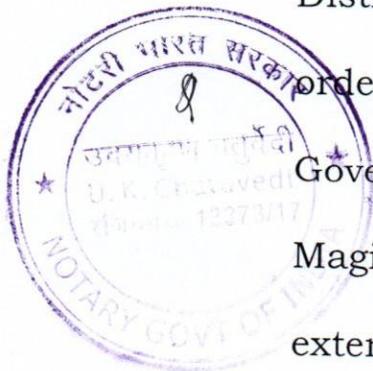
18. DCP Bhubaneswar by his letter dated 7th January, 2017 to the Superintendent of Police, Cuttack, had informed that no case has been registered with respect to any accident by kite flying in his police district for the last 3 years i.e. 2014-2016. He had also stated that all the Police stations have been suitably instructed on 06.12.2016 to take preventive measures to ban sale, purchase and use of Chinese manjha.

The use, sale and stocking of Chinese manjha (coated with glass powder) and synthetic nylon, harmful



to humans and wildlife, has been prohibited to be used for flying kite in the State of Odisha. It is also submitted that only cotton threads uncoated with glass powder is permitted to be used for the purpose of flying kites in the State.

19. The **State of Punjab**, Respondent No. 29, has filed a short reply through an affidavit of Member Secretary, Punjab Pollution Control Board. It has been deposed that there is no manufacturing unit for nylon thread (manjha) used for kite flying in the State of Punjab. The Committee of Senior Law Officers of Punjab Pollution Control Board was constituted to examine the matter as to what are the provisions in the existing laws to grant relief sought by the petitioner. The Committee had examined the matter and opined that there is no specific provision in the existing laws to prohibit the manufacturing, sale, purchase and use of Chinese dor. The State of Punjab is also seized of the matter. The District Magistrate had issued orders under Section 144 of the Code of Criminal Procedure, 1973 for banning the sale, use and purchase of Chinese dor. However, the District Magistrates are empowered to issue such ban orders only for a period of two months. But the State Government may direct that an order made by District Magistrate shall remain in force for a period not extending 6 months, if it is necessary to do so for



preventing danger to human life, health and safety. The ban order issued by the District Magistrates under Section 144 of the Code of Criminal Procedure 1973 is not a permanent solution and is not legally sustainable.

It has also been deposed that if any policy decision is taken by the Ministry of Environment, Forests and Climate Change, Government of India or any direction is issued by NGT in this regard, the State of Punjab will follow the same in letter and spirit.

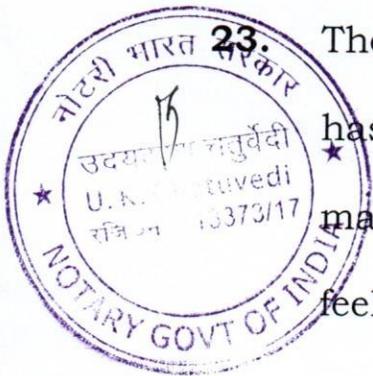
20. The **State of Sikkim**, Respondent no. 31, has filed a counter affidavit through its Resident Commissioner, Delhi that there is no tradition or culture of flying kites in the State. No kite flying festival is organised. Further it is stated that pakka thread made by nylon/ synthetic (akin to Chinese manjha) or other toxic material are not being manufactured, used or sold in the State. No case has been reported/ recorded of any injury to wildlife or any person by Chinese manjha or any other such toxic thread.

21. It has also been submitted on behalf of the State of Sikkim that necessary measures including public awareness programmes via print, electric and social media to sensitize the people regarding the ill effects of pakka thread made of any synthetic material or other toxic materials like iron powder, glass powder, etc. which causes injuries to the birds, animals, persons and also causes environmental degradation.



22. Respondent no. 13, the **State of Gujarat** has filed reply affidavit through its Director (Environment) and Ex-officio Additional Secretary ((In-charge), Forest and Environment Department stating that in furtherance of the order dated 14th December, 2016 the Additional Chief Secretary, Forest and Environment Department of the State of Gujarat has issued a notice under Section 5 of the Environment Protection Act, 1986. There is a special significance attached to the celebration of Makar Sakranti, in the State of Gujarat, for kite flying. Makar Sakranti (Uttarayan) is regarded as one of the biggest festival celebrated in Gujarat. Months before the festival, manufacturing of kites begins in the State of Gujarat. The festival of Uttarayan is celebrated on a larger scale in State of Gujarat in comparison to the other States of India. The preparation of the festival is round the year and lakhs of people are involved in the production of kites and threads. The activity of making kites and threads is house-hold for thousands of families. This festival of kite flying is beyond religious boundaries and signifies cultural strength of the State.

The Chinese majha is made of metallic/ nylon yarn and has abrasive coat of crushed glass gummed on it which makes it to be razor sharp. To that extent, even the State feels that this kind of synthetic manjha is required to be restricted on the festival of kite flying. Only Chinese



manjha as such, is required to be prohibited in the entire State which may take care of most of the grievances raised by the applicant.

24. Further it is submitted that State of Gujarat has always been aware of the menace of the use of this nylon thread, called Chinese manjha and has time and again tried to spread awareness about the ill effects of its use. In fact the State of Gujarat has imposed complete ban on the use of Chinese manjha, ever since the notification of the year 2011. A similar notification was issued by the Forest and Environment Department of State of Gujarat in 2012. Another notification was also issued on 6th January, 2014. Later in the month of October 2014 one such notification was issued on 22.10.2014. Therefore, the State of Gujarat has all the time taken possible steps to prohibit the use of Chinese manjha and to spread maximum possible awareness about the ill effect of its use.

25. The **Union Territories of Dadra & Nagar Haveli**, respondent no. 9 and **Daman and Diu**, respondent no. 10 have filed a joint reply affidavit through the Member Secretary, Pollution Control Board, Dadra & Nagar Haveli and Daman and Diu stating that there is no manufacturing unit of synthetic manjha/ nylon or any similar synthetic thread which is used in kite flying, in the Union Territories of Dadra & Nagar Haveli and Daman and Diu. There is no sale/ purchase of synthetic manjha/



nylon or any similar synthetic thread and no individual uses such material for the purpose of kite flying.

26. The Union Territories of Dadra & Nagar Haveli and Daman and Diu have categorically instructed the concerned District Collectors, to strictly monitor the use, sell and purchase of synthetic manjha/ nylon thread or any other similar synthetic thread which is used for kite flying.

27. The **State of Chhattisgarh**, respondent no. 7 has submitted, through its Superintendent Engineer and OSD, Department of Housing and Environment, that nylon and synthetic threads which are used for flying kites are being laced with glass, metal and other substances causing serious injuries and even had fatal effects on people and birds. Being non-biodegradable, these threads also cause blockage of sewers, drainage lines, waterways and power interruptions because of flash-over on power lines and sub stations. With a view to prevent adverse effects of thread made out of plastic or other synthetic material commonly known as Chinese manjha, used for kite flying, the answering respondent proposes a complete ban on production, sale, storage, supply and use of nylon, plastic and Chinese manjha and other kite flying thread which is sharp or laced with glass, metal or other such like material.

28. Further it has been proposed that kite flying should be permitted in the State only with cotton threads/ nylon



fiber free from any metallic/ glass components. It is proposed that kite flying will be banned during peak hours for birds namely 06:00 AM to 08:00 AM and in the evening from 05:00 PM to 07:00 PM. It has also been proposed that violation of the aforesaid condition would entail fine or imprisonment.

29. The **State of Madhya Pradesh**, respondent no. 21, has filed its reply to the application through Regional Officer, Madhya Pradesh Pollution Control Board. It is stated in the reply that vide notification dated 29th September, 2016 the State Government had directed all the Collectors and Superintendent of Police in the State banning the use of manjha made of plastic/ synthetic material/ nylon.

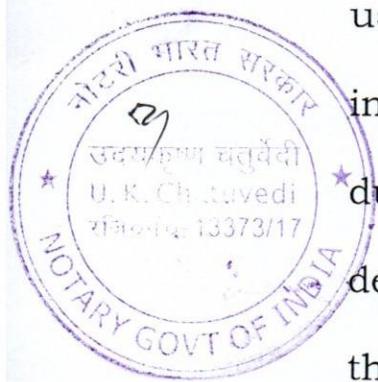
30. The reply affidavit on behalf of **State of Manipur**, respondent no. 23, has been filed by its Additional Chief Secretary (Home) deposing that the State Government has issued an order on 9th of February, 2017 thereby prohibiting to procure, stock, sale and use of nylon thread which is also called Chinese dor or Chinese manjha and other synthetic threads coated with glass or such other harmful substances for kite flying in the State with immediate effect. The said direction were intimated for implementation to all District Magistrates and District Superintendent of Police in the State of Manipur.

31. On behalf of the **State of Nagaland**, respondent no. 26, its Resident Commissioner has filed an affidavit deposing that



no festival relating to kite flying is celebrated in the State. However, the Principal Chief Conservator of Forest and Head of Forest Force has issued directions to Deputy Commissioners and the Divisional Forest Officers in all Districts of State of Nagaland to notify banning of all forms of manjha/ nylon thread for kite flying.

32. The **State of Telengana**, through its Special Chief Secretary, Environment, Forest, Science and Technology Department, has filed a reply affidavit in this case. It is deposed that recognising the danger posed to human and animals life and also to the environment by nylon or synthetic threads coated with powder glass and other toxic material, that the Government of Telengana had issued an order on 13th January, 2016, in exercise of its power conferred under Section 5 of Environment (Protection) Act, 1986, imposing complete ban on procuring, stocking, sale and use of nylon thread which is commonly called as Chinese dor or any other synthetic (non-biodegradable) threads coated with glass or other harmful substances used for kite flying are likely to cause grievous injury and inconvenience to animals, birds as well as human beings during festival or other occasions. Further it has been deposed that the Government of Telangana had directed the concerned department/organisations to take immediate necessary action to sensitize people not to use such material and make them aware to resort to use of



eco-friendly material which are biodegradable and not harmful to animals and human beings.

Telangana Forest Department had taken steps during 2015-16 to implement the ban on use of Chinese manjha in kite flying during Sankranti festival 2016. The Principal Chief Conservator of Forest and Chief Wildlife Warden convened a meeting of NGOs and wildlife activists on 21.12.2015 in which the media was also invited. The issue of imposing ban on use of Chinese manjha was discussed during the meeting. The participants were unanimously of the view that Chinese manjha should be banned in kite flying during festival as it causes serious harm to animals, birds, human beings and environment.

- 33.** Further it has submitted that, the recommendation of the meeting was conveyed to the Chief Wildlife Warden **Telangana** in the form of letters dated 16.01.2015 & 28.11.2015 and a request was made to issue orders imposing a ban on use of "Chinese Manjha" in kite flying. Based on the recommendation, the Chief Wildlife Warden, the Govt. of Telangana issued order dated 13.01.2016. Thereafter, Telangana Forest Department deployed the Anti-Poaching Squad together with other teams to check the establishments, stocking and selling the banned "Manjha", in coordination with NOG's and Wildlife Activists. Pamphlets and hand-outs were printed and



distributed at all the kite material outlets with a message not to stock or sell the banned "Manjha".

- 34.** It is also submitted that Government of Telangana and Telangana Forest Department have taken steps to impose a ban during 2015-16 as narrated above, and hence there is implementation of the judicial orders passed and the manufacture of Nylon Synthetic is restricted. During the current year 2016-17 also the Forest Department has taken action to implement the interim directions of the Hon'ble National Green Tribunal, New Delhi, dated 14th December, 2016 as under:

- a) Gathering information and conducting raids:

The Anti-Poaching Squad, Hyderabad through a network of informers collected information of business centres, storage places and retail outlets which are stocking the banned "Manjha". On receipt of information the squad with the help of Police officials, of the concerned Police Stations, conducted raids from 16.12.2016 to 14.01.2017. During the raids 566 Kgs of the banned Manjha was seized from 25 locations, spread over the twin cities of Hyderabad and Secunderabad and was transported to Aranya Bhavan.

Similarly raids were conducted in other Districts also and 34 Kgs of Manjha was seized from 7 Districts.

- b) Publicizing the ban through posters:

To inform the general public and persons dealing in all forms of sharp kite flying strings called "Manjhas" about

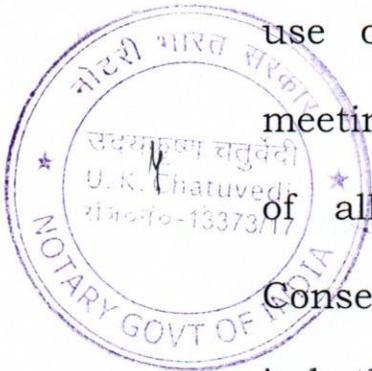


the directions of NGT and the orders of Govt. Of Telangana, two types of posters were got printed. These posters were distributed to all the shops and establishments which are dealing in kites and threads for flying kites in twin cities as well as in all the Districts of Telangana. In twin cities these posters were distributed to 203 "Manjha" outlets and the name of the shop, name of the owner, address and contact number were recorded. The persons dealing in kite "Manjha" were informed about the Penal action liable under Environment (Protection) Act, 1986 and Wildlife (Protection) Act, 1972. The Anti-Poaching Squad, Hyderabad ensured that all the shops displayed the posters prominently.

c) Publicity through Media:

A meeting with Print and Electronic Media was conducted on 14.12.2016 to give wide publicity to the ban imposed on use of "Manjha" by Government of Telangana. NGO's and Wildlife activists working in the field of nature and Wildlife Conservation were also invited. The harm done to Environment, animals, birds and Human beings due to the use of synthetic Manjha was highlighted during the meeting. The Forest Department solicited the cooperation of all concerned in strictly implementing the ban. Consequent to the meeting the matter was widely covered, in both Print and Electronic Media.

d) Coordination with other Government Department:



The Principal Chief Conservator of Forest (HoFF),
Telangana and Addl. Principal Chief Conservator of Forests
(WL) held a meeting with the Commissioner of Police,
Hyderabad at Aranya Bhavan on 14.12.2016 and worked
out modalities for implementing the ban imposed on
Synthetic Manjha. Both the Departments agreed to work
closely in implementing the ban.

The Forest Department addressed letters to all the
Superintendents of Police in the State requesting to
coordinate with the concerned District Forest Officers, in
implementing the ban.

The Principal Secretary, Environment, Forest,
Science & Technology held a meeting with Additional
Chief Conservator of Forests (WL), Member Secretary,
Pollution Control Board and Member Secretary,
Telangana State Bio-diversity Board on 06.01.2017 to
discuss the implementation of ban. The Government
addressed letters to all the District Collectors,
Commissioner of Police, District Superintendents of
Police and Director, Animal Husbandry viz, to take
stringent action against "Manjha" sellers who are found
procuring, stocking and selling of any thread other than
cotton.

Publication of Notification in the official Gazette

It is submitted that the Government of Telangana has
published "Notification" in the official gazette of State of



Telangana dated 28.01.2017, in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986), sub-rule (3) of rule 5 of the Environment (Protection) Rules, read with Government of India, Ministry of Home Affairs, Notification dated 10th September, 1992 the following notification will be published in the Extraordinary issue of the official Gazette of the State of Telangana and directed that:-

- i. There shall be complete ban in the State of Telangana on the sale, production, storage, supply and use of nylon, plastic and Chinese Manjha and any other kite-flying thread that is sharp or made sharp by being laced with glass, metal or other sharp.
- ii. The Kite flying shall be permissible only with a cotton thread/ natural fibre free from any metallic/ glass components.

The violation of direction, issued under section 5 of the Environment (Protection) Act, 1986 or the rules made thereunder shall be punishable under section 15 of the said Act which include imprisonment up to five years and/ or with fine which may be extended to Rs. One lakh or with both.



It has been submitted that the measures taken by the Government of Telangana and Telangana Forest Department, as described above, has helped in bringing awareness to a large extent among the general public about

the threat posed by the Synthetic/ Nylon "Manjha" to Animals, Birds, Human Beings and Environment. As a result there has been significant reduction in the use of the banned substances during the 2017, Sankranti kite flying season in Telangana State.

- 35.** A Miscellaneous Application (891 of 2016) was filed by **M/s. Yamuna Industries Ltd.** for being impleaded as a party in the instant original application. However, after considering the application and hearing the counsel, the Tribunal had decided the said application on 6th September, 2016 with the direction that M/s. Yamuna Industries may intervene in the matter.

The intervener, Yamuna Industries Ltd. has filed **an affidavit** stating that it is manufacturing Mono filament yarns/ bristles and primarily producing polymer based kite flying threads i.e. manjha. Further it is stated that the Tribunal may pass guidelines, specifications or parameters regulating the quality and production of manjha, without any avail. In the event that the products of the company are found lacking in conformity with such parameters, it undertakes to ensure full compliance with the same. It has suggested that qualitative parameters which could be considered are that manjha should not contain metal/ glass; the tensile strength should not be too high; the manjha should be



shock proof and non-conductor of electricity and it should be biodegradable.

36. The company has strived hard to develop products which are eco-friendly; bio-degradable; shock proof; non-conductor; having lower tensile strength, and does not contain glass/ metal powder, unlike cotton and Chinese manjha. It is further stated that the products of the company are different from Chinese and cotton manjha. There is a significant qualitative difference between the two. The company verily believes that use of its products is unlikely to lead to violation of above mentioned statutory provisions.

37. The **applicant has filed reply to the affidavit of the intervener Yamuna Industries** and stated that it has tried to focus on the quality of their products but completely ignoring the ill effects. They are trying to misguide the Tribunal by terming their products as Eco-friendly & bio-degradable. After going through the test report of NITRA, it has come to the knowledge of the applicant that the intervener company concealed many facts and the base of their product is nylon which is a non-biodegradable product. The product with brand names i.e. Mono Kite Magic and some other brands which are 100% non-biodegradable and having high tensile strength. Further it is stated that most importantly they are the cause of hundreds of human



death and death of thousands of birds. It plays an important role in spoiling the environment.

As regards the qualitative parameters which are to be adopted, the applicant submits that the Tribunal being an environmental court and protector of environment, it is the primary concern to be dealt with. The base of the product of the intervener being nylon, it is non-biodegradable and therefore the company is concealing the true facts.

38. As far as the **distinction between Chinese and cotton manjha** is concerned, the term Chinese is just a terminology used for the nylon/ synthetic/ metallic kite thread etc. So far as cotton manjha is concerned, the applicant submits that traditionally kite flying was done by cotton string which is made of cotton, manually prepared, easily breakable and is 100% biodegradable. Further it has been stated by the intervener that the tensile strength of their product is less than 3 kilogram which is incorrect as Annexure B clearly shows that their tensile strength is more than 4.6000 Kilograms. They have stated that their product is water resistant which means it is made of nylon or synthetic because only such products can be so.

The intervenor has filed a rejoinder to the reply of the applicant wherein it has been submitted that the list of products mentioned in para 5 of its affidavit is true and



correct. The intervener has stopped manufacturing MK 5051 since 1st August 2016. The applicant's contention which are based on the test done on MK 5051, can be of no consequences for judging the product of the intervener. The applicants allegation that the products of the intervenor are non-biodegradable, it has been stated that by order dated 14th December, 2016 CPCB has already been directed to undertake necessary tests to determine the extent of bio-degradability of the product of the intervener and the report is awaited.

40. During the proceedings of these original applications **Hathkargah Manjha Va Patang Shramik Kalyan Samiti (REG.)** through its General Secretary, Barielly, U.P. filed a detailed application (908 of 2016) for being impleaded as a party in instant case. The Tribunal after considering the application for impleadment and hearing the counsel ordered on 20th September, 2016 that the applicant Samiti may intervene the matter.

41. The Application (143 of 2017) had been referred by one **Mohammad Sabir** who is a seller of conventional and traditional cotton manjha and kites for being impleaded as a party to the original application. The Tribunal by its order dated 6th February, 2017 decided the application and ordered that Mohammad Sabir may be an intervenor in this case.



42. Another Application (127 of 2017) was filed by **Munir L. Zavri**, Ahmedabad, Gujarat for being impleaded as a party. While disposing the said application, Tribunal had ordered on 16th February, 2017 that applicant be permitted to intervene in the matter.

43. An application (135 of 2017) is also filed by **Rajasthan Kite Flying Club, Jaipur**, through its President, Chandra Prakash Arora with the prayer that the applicant may be pleaded as party in the case. It was stated in the application that applicant is a kite flying club and residents of Jaipur. The club had been organising kite flying festival annually for the last many years. The club is purely a social and cultural club. In Rajasthan proper regulation in this regard are existing. According to the applicant, he came to know about the instant case from the local newspaper and it seems that all relevant and material facts were not put before the Tribunal. It is in greater interest of public and kite flying game that the club resolved that it should get itself impleaded as a party in this case to assist the Tribunal in reaching to right conclusion. The said application was considered and allowed by the Tribunal on 06.02.2017 whereby the applicant was made an intervenor in the case.

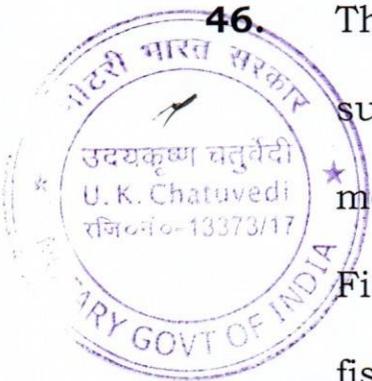


44. The Learned Counsel for the applicant has argued that the instant application raises and issue of national

importance as it relates to use of thread (Manjha) which is used for flying of Kites. The Pakka thread is made of nylon/synthetic and other toxic material which is totally non-biodegradable and harmful to environment. Further, he has argued that Manjha is very dangerous because unlike other normal threads or traditional thread used for kite flying it does not break and is sharp as razor. It is capable of causing injuries or even death of birds, animals and even human being. It is a fact that thousands of birds and hundreds of human being have been killed by use of such like thread made out of nylon / synthetic.

45. It is also being submitted that the term Chinese Manjha is used for nylon and synthetic whereas it has nothing to do with China. The said Manjha is neither manufactured in China nor it is imported from there. The product is being manufactured, supplied, disbursed and used in India. Therefore, the Chinese Manjha is a term used for such kite flying threads.

46. The Learned Counsel for the applicant has further submitted that nylon and synthetic Manjha is made of monofilament, fishing line (shorten to monofilament). Fishing line is made of single fibre of plastic. Most fishing lines are now monofilament which has different tensile strengths. Monofilament is made by melting and mixing polymers and then extruding the mixture through



small holes forming strands of line, which is then spun into spools of various thickness. The extrusion process controls not only the thickness of the line but its test as well.

- 47.** Most monofilaments are non-biodegradable and can last for hundreds of years depending on environmental conditions. It is because of the fact that the monofilament is thin and clear that it is difficult for birds and animals to see and they are easily brushed up against it and get entangled. Once entangled the birds become injured or even drown or may get strangled or may starve to death. Many animals also get injured because of such like nylon, synthetic threads or discarded monofilament lines can cause serious environment problems because of its thinness which makes it extremely difficult for the birds to spot while they are flying and also when it is submerged in water. In the result fish birds and other marine life get easily entangled which results in starvation, imputation and deaths. Monofilament lines is also a risk to swimmers and scuba-divers. The breakdown of the lines, especially in streamers leads to micro- plastic which may cause starvation and poisoning of an organism of soil and water.

- 48.** The learned counsel for applicant has also submitted that flying of kites has been an integral part of the festive



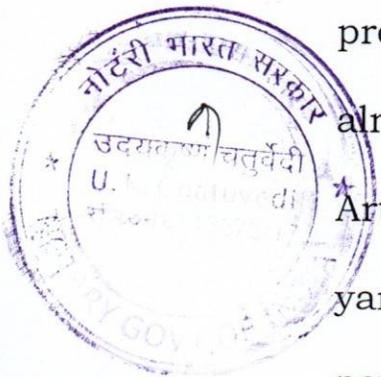
the environment. Hence it is liable for prohibition under section 5 (a) of the above act.

50. According to the learned counsel for the applicant, during the pendency of this case, interested parties i.e. manufacturers of nylon manjha and cotton manjha have also got themselves involved in the matter and they have tried to focus on the qualities of their products by ignoring its ill effects i.e., danger to environment, human being and animals. Such parties have placed on records various documents. After a close scrutiny of such documents filed by the interveners, it has come to the knowledge of the applicant that one of the interveners namely the Yamuna Industry LTD., has wilfully concealed many things. The most important is about the base of their product. The base of their product is nylon which is 100 % non-biodegradable product. The NITRA report dated 6.10.2016 regarded the blend composition (base of the product) of the Yamuna industries as nylon product, Article No. 5051 mono kite manjha along with 6051 which is a part of their product list clearly shows that the base of their product is 100 % nylon.

The intervener company i.e., Yamuna Industry LTD., has given the details of their various products which is being presently produced by the company and sold under the following trades/brand name:

- a. Mono Kite Bio (MK 8051 Bio)

- b. Mono Kite Magic (6051 Bio)
 - c. Mono Kite Fighter (MK 7051)
 - d. Mono Kite Hero plus (MK 9051 Bio Green)
 - e. Mono Kite Green (MK 2051 Bio)
 - f. Mono Kite Jumbo (MKJ 4051 B)
- 51.** It has been further submitted by the counsel for the applicant that the intervener company did not willfully incorporated the name of their most deadly brand in the above product list and has thus concealed an important fact from the Tribunal. He has submitted that the product with brand name i.e., Mono Kite Magic (5051 Bio) and other brand which is 100 % non-biodegradable, having the tensile strength of more than 4.600 kilograms, manually unbreakable and most importantly they are the cause of hundreds of human and thousands of birds' death. It is the most important player in spoiling the environment.
- 52.** It has been submitted by the Counsel for the applicant that a close look to the test report of the product of intervener company reveals that the above mentioned products i.e., Article 6051 Mono kite manjha takes almost 19445 yarn to yarn abrasions to break whereas Article No.5051 mono kite manjha takes 18837 yarn to yarn abrasions to break it which clearly shows what power of the manjha is. It is evident from the above facts that when a person while riding a bike comes into contact



with this deadly nylon manjha then it would not break but takes off their heads from the shoulders. Therefore, such deadly and non-biodegradable products need to be banned immediately.

53. The learned counsel for the **State of Gujarat** has submitted that Makar Sakranti (Kite Flying Day) marks the end of a long winter, with return of Sun to Northern Hemisphere. According to Hindu Astronomy, Sun enters the Zodiac of Makara (Capricorn). Hence it is called as Uttarayan or Makar Sakranti. The special significance attached to the celebration of Makar Sakranti is Kite Flying which has been since centuries and is an integral and inseparable part of the social fabric of the State. Uttarayan is regarded as one of the biggest festival celebrated in Gujarat, Months before the festival, the manufacturing of Kites and threads begin in the State of Gujarat. The festival of Uttarayan is celebrated on a larger and wider scale in the State of Gujarat, in comparison to the other States of India. The preparation of the Festival is round the year and lakhs of people are involved in the production of kites and threads. The activity of producing kites and threads are house-hold and the same is a source of livelihood for thousands of families. This festival of Kite Flying is beyond the religious boundaries and signifies cultural strength in the entire State.



54. The Applicants, to some extent, have approached this Hon'ble Tribunal with a genuine prayer to prohibit the use of Nylon threads popularly known as "Chinese Manjha". This Manjha is made of Metallic/Nylon/Yam and abrasive coat of crushed glass gummed on it, which makes it to be razor sharp. To that extent, even the State feels that this kind of Synthetic Manjha is required to be restricted on the festival of kite flying. It would be pertinent to submit herein that there is a vast difference between the Nylon thread and cotton thread.

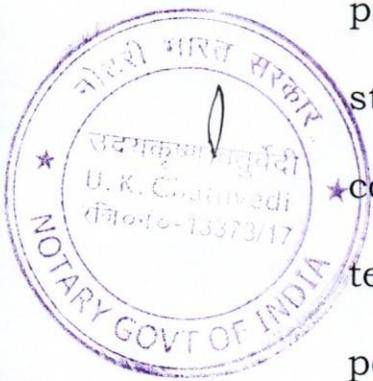
55. It is submitted that only Chinese Manjha is required to be prohibited in the entire State, which would take care of most of the grievances raised by the Applicants. As far as the contentions with regard to cotton thread with coating is concerned, it is submitted that there cannot be any kite flying with a cotton thread without any coating. Any restriction of such coating on the cotton thread would virtually be curtailing the entire kite flying festival without any legitimate reason. Right to enjoy a festival is also a fundamental right under Article 21 of the Constitution of India. However, the State has issued necessary Notifications to ensure that maximum casualties are taken care of by completely banning the use of Synthetic Manjha.

56. It is further submitted that the State of Gujarat has always been aware of the menace of the use of Nylon

glass, metal or other sharp objects should also be prohibited.

Further it is proposed that kite flying shall be permitted in the State of Chhattisgarh only with cotton thread/natural fiber, free from any metallic/glass components. The kite flying will be banned during peak bird hours viz. morning 6-8 a.m. and evening 5-7 p.m. Any violation of the aforesaid conditions would entail fine and/or imprisonment.

60. It has been argued by the interveners **M/s Yamuna Industry Ltd.**, that as apparent from the pleadings filed by the applicant, the threat arises from the sharpness of the manjha, its ability to conduct electricity and lack of biodegradability. It is submitted that the issue of sharpness/abrasiveness of the kite flying thread (Manjha) is not specific to nylon/synthetic material. The use of glass/metal coating on cotton thread gives it the same/higher degree of abrasiveness/sharpness. The resultant product poses a higher threat to life and property, as it has a higher tensile strength. The tensile strength of the product of intervener is less than the 6 ply cotton manjha coated with glass / metal. Since the tensile strength of cotton manjha coated with glass/metal powder is more than 2.9 kilograms. It is submitted by the counsel from the intervenor that they may be permitted to produce and sell its product MK 2051 and



MK 6051, on the ground of parity. The interveners product are non-conductors of electricity and are additionally biodegradable.

- 61.** The fact that the cotton thread having ply strength of less than 6 ply is hardly used in production of manjha. Print out from the website of leading manufacturers of cotton yarn which is used in kite flying, indicates the nature of yarn used. A screen-shot of the same website, indicates the tensile strength of various ply.

No report indicating the strength and sharpness of 3 ply and 4 ply cotton manjha coated with glass/metal powder was placed before this Tribunal. With a view to establish its ability to produce monofilament threads similar / comparable to 3 ply or 4 ply cotton thread having glass/metal coating, the intervenor have prepared test samples of monofilament yarn having much lower tensile strength. Further, it has been submitted by the intervenor that in the event this Tribunal proposes to modify the Order dated 14th December, 2016 before the standards/parameters for manufacture of manjha is laid down, to allow the use of cotton laced with glass/metal powder, the intervenor may also be permitted to manufacture and sell monofilament manjha of comparative strength and sharpness.

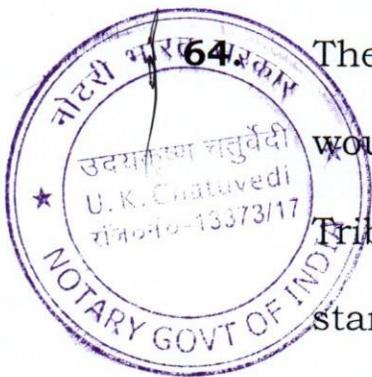
- 62.** It has been submitted on behalf of intervenor that there is eminent need to control and restrain use of threads



(kite flying) which pose a threat to life and property. Such control must be based on the properties of the thread in use i.e., tensile strength, sharpness, electrical conductivity, thickness and biodegradability etc. Merely because a thread is of synthetic composition (as against cotton thread coated with glass/metal) ought not to be the cause to restrain its use for the purpose of kite flying. The Tribunal has rightly sought the recommendations of CPCB as to the standards of tensile strength, thickness and other parameters that may be prescribed for the kite flying threads. As on date, the report is awaited.

63. Further, it is submitted on behalf of the Company that direction be given for formation of such parameters which would necessarily address the concerns of the applicant. In the event the products of the Company are found lacking in conformity with such parameters, the company undertakes to ensure full compliance. In the absence of such parameters and specifications, an all encompassing order without consideration of the nature and impact of individual products, as that of the company would be inappropriate.

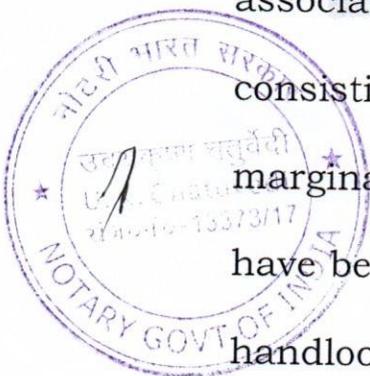
The intervenor has reiterated its undertaking that it would comply with the standards set by the Board/Tribunal. Meanwhile pending determination of such standards, modification of the order dated 14th December, 2016 only to prohibit use of nylon/polymer



thread for the purpose of kite flying would be grossly discriminatory, especially when the strength/sharpness of the intervenor's products and proposed products are similar/comparative to the glass / metal coated cotton threads.

It is also submitted that keeping in view the averments made in the application and its objective to safeguard life and property without stopping the kite flying sport and drawing a balance with right to livelihood that is enjoined by the constitution to the company and its dependent employees and agents, the Tribunal may be pleased to modified the order dated 14th December, 2016 and permit the intervenor to sell its products MK 2051 and MK 6051 as well as proposed products Article 1-B and Article 2-B for the purposes of use in kite flying.

65. The learned counsel for the intervenor, **Hathkargah Manjha Samiti** argued that it is an association of poor handloom workers belonging to the economically weaker sections who earn their livelihood by making conventional & traditional cotton thread manjha. The association has more than two hundred members consisting of small and medium scale manufacturers, marginal workers and daily wagers whose generations have been in the trade of making manjha from traditional handloom cotton. The counsel for Samiti has made submissions in the following manner:

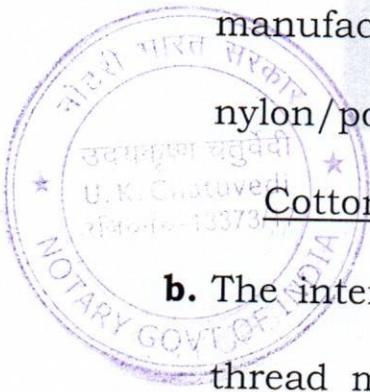


Permanent ban of Nylon/polymer/polyster/synthetic strings.

a. The applicants seek a permanent ban on the manufacture, sale, stocking, procurement & usage of synthetic strings made of nylon/polyster/polymer or any other artificial substance/material since it is harmful to the environment and the ecology as a whole. Unlike the traditional cotton manjha, the notorious nylon/polymer/polyster and other synthetic strings has been responsible for playing havoc with the ecology and the environment ever since its introduction in the kite-flying sphere. Instances of killing of birds, animals and also of humans have arisen immediately upon the advent of artificially manufactured synthetic strings being used for kite-flying. These strings being menacingly strong are almost impossible to break and as a result they are inherently perilous to the ecology as a whole. The icing on the cake is that these strings being synthetic are non-biodegradable (like plastic, polythene, etc.) and as such a great hazard for the environment as well. Yamuna Industries is the manufacturer of such synthetic strings made of nylon/polyester/polymer and other synthetic material.

Cotton Manjha: Ecologically & Environment Friendly

b. The intervenors being manufacturers of traditional cotton thread manjha seek the removal of ban on glass coated cotton manjha as this has been used all over the country since time immemorial and has never throughout history



been found to be harmful much less lethal to the ecology, birds, animals or even human; unlike the notorious nylon/polyester/polymer/synthetic strings posing as manjha.

The traditional cotton manjha being made from naturally occurring cotton thread is both environmentally and ecologically safe and therefore the ban imposed by the Tribunal on glass coated cotton manjha ought to be removed. The cotton thread is lined with finely powdered glass coating with the help of natural adhesives like boiled rice, flour, egg-white, tree gum and similar natural ingredients to make the traditional manjha. The negligible sharpness of the powdered glass gets dissipated owing to it being mixed with boiled rice whereupon it becomes so fine that there is no sharp particle at all on the surface of the cotton string. Owing to the excessive pounding & absolute fineness of the powdered glass, its sharpness is greatly diminished, thereby rendering it harmless for usage by one and all. It is for this reason that even while making the traditional manjha, by the age old mechanism of mixing it with rice, flour, eggs, no injury or wounds is caused to the makers. Furthermore, even when the cotton manjha is used for kite-flying it does not pose any risk to the handler or to the animals/birds owing to its easy breakability and low strength. This is also borne out from the fact that there is absence of any reports

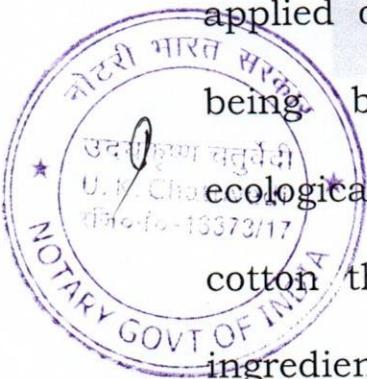


regarding accident to humans, animals and birds arising out of the usage of traditional cotton manjha.

c. It is most respectfully submitted that the Applicants uses the normal cotton thread manufactured by major yarn producing companies like Vardhaman Yarns & Threads Ltd., and Madura Coats to make the traditional manjha. The cotton threads supplied by these companies are of ply-sizes of 3,4,6 & 9 plys that are used by the applicants to make their manjha. The entire process of making the organic manjha compound & applying it on the cotton thread is exclusively done manually by the workers. The ply sizes along with their sale percentage, relative to total, is as under:

Company	Ply Size	Sales %
Vardhaman Yarn & Thread Ltd.	3	5%
Madura Coats Pvt Ltd.	4	5%
Vardhaman Yarn & Thread Ltd.	6	80%
Vardhaman Yarn & Thread Ltd.	9	10%

d. It is therefore submitted that both the components of the traditional cotton manjha i.e. the basic thread and the applied organic compound, are natural products and as being biodegradable they are environmentally and ecologically friendly. It is submitted that the coating for the cotton thread is usually made of the following natural ingredients viz. Sat isabgol (isabgol husk), Lobhan (Herbal-Styrax tree), Taj (powder of balk), Maida lakdi (wood



powder), gumchi (Indian liquorice), mossali (herb with lancelet leaves-Chlorophytem borivilianun) rice, herbal colours, etc. Since all these ingredients are natural/herbs/grains/leaves they are fully bio-degradable. Furthermore, they do not lend any strength to the cotton string so as to cause injuries to anyone, including birds and animals.

Comparative analysis of cotton manjha
Vs.
String manufactured by Yamuna industries

- e. The intervenors have got certain tests conducted of its own products as well as of Yamuna Industries from Northern India Textile Research Association (NITRA), which is a premier textile research agency recognised by the Council of Scientific & Industrial Research (CSIR), Government of India. Copies of the test results of the various samples of the Applicants and of Yamuna Industries have already been filed by the Intervenor vide its Additional Affidavit dt. 22.11.2016. The difference between the hazardous strings manufactured by Yamuna Industries and the traditional glass coated cotton manjha manufactured by the intervenors, is being demonstrated by way of the following comparative table:

Base				
Yamuna Industries Strings			Hathkargha cotton Manjha	
ART. 6051	ART.5051	ART. 3051	E-8057-30 ZAKIR MANJHA	E-8067-30 SAMI MANJHA
100% NYLON	100% NYLON	100% POLYSTER	100% COTTON	100% COTTON
BIODEGRADABILITY				

NO	NO	NO	YES	YES
TENSILE STRENGTH (in Kilograms)				
3.966	4.612	3.378	2.017	2.028
YARN ON YARN ABRASION TEST				
(No. of Cycles at thread break)				
(To measure the actual strength of the string by rubbing the string against itself till it breaks)				
19445	18837	56	42	106
ELONGATION AT BREAK % (ELASTICITY)				
25.21	25.75	13.78	3.72	3.59

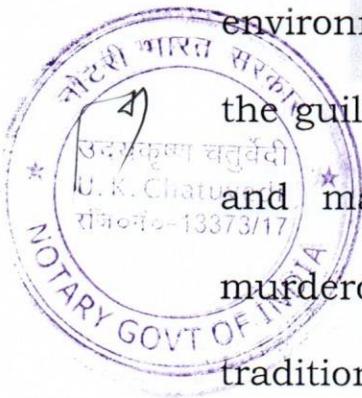
f. A bare perusal of the aforesaid table leads to the inescapable conclusion that the strings manufactured by Yamuna Industries are lethal in nature, which justifies complete ban on its products as they are made of nylon/polyester/polymer etc. In view of the tests conducted by NITRA, the strings manufactured by Yamuna Industries being made of Nylon/polymer/polyester must be banned permanently from being manufactured, distributed, sold and used for kite-flying purposes. It is humbly submitted that the twin concerns for environmental hazard and safety of animals/birds being the backbone of the petition, the results of the tests conducted by NITRA assume great significance since they nail the lie repeatedly told by Yamuna Industries in respect of the composition and quality of their product. Moreover, the herculean strength of Yamuna Industries' nylon strings is itself a justification to ban the same as it poses a grave and imminent danger to the lives of animals and humans, alike.



g. The unbreakable nature of the strings manufactured by Yamuna Industries which has sounded the death knell of

the birds and animals and of late it has also claimed innocent human lives. The social terrorism unleashed by the usage of these Nylon polymer strings has taken away the fun from the recreational activity of kite-flying and turned it into blood-sports where the trophies are usually birds and also humans. Even the soil and water bodies (including the fishes etc. in them) are bearing the brunt of the brute strength of the Nylon strings which does not decompose or weaken in strength.

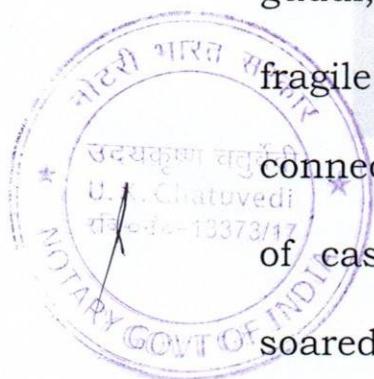
- h.** Therefore, it is submitted that the patent physical and chemical difference between the environmentally dangerous & hazardous Nylon strings and the ecological and harmless cotton manjha merit the banning of the products manufactured by Yamuna Industries since they are made of Nylon/Polyester/Polymer and are harmful to the entire ecosystem. Given the basic difference between the traditional cotton manjha and the nylon strings of Yamuna Industries coupled with the fact of immeasurable harm caused by the latter to the environment as well as to humans, animals & birds it is in the interests of the environment that unequals are not treated as equals and the guilty party viz. Yamuna Industries is brought to book and made to account for the havoc wreaked by its murderous Nylon polymer polyester strings. The traditional cotton manjha is not at all a threat to the environment and hence shouldn't be made to pay for the



harm that the nylon strings has caused to the environment. It would be iniquitous and unfair to punish the traditional cotton manjha for the environmental destruction caused by the nylon-strings manufactured by Yamuna Industries.

66. The counsel for the intervenor **Mohammad Sabir** submits that the tradition of flying kites has been prevalent in India since ancient times and has now become engrained in the social and cultural ethos of this nation. It is widely believed that kite-flying was introduced in India by the Chinese travellers Fa Hein (who visited India in 5th Century B.C.) and Huein Tsang (who came in 7th century A.D.) Since then kite flying has become an integral part of the everyday lives of the populace both in the rural and urban areas. With rapid urbanisation and the fast pace of modern life, the activity of kite-flying might have become less regular but its popularity among the masses has stood the test of time spanning almost two millennia. The place which kites and kite flying holds in the heart of the individual is sublime. For centuries the patang or guddi, as it is more commonly known, made of just a fragile piece of paper and two skeletal bamboo sticks, has connected diverse people by transcending the boundaries of caste, colour, religion, and even nationalities and soared the spirits of limitless blue skies.

67. It is for this reason, that this recreational activity has been incorporated as an essential part of many traditions



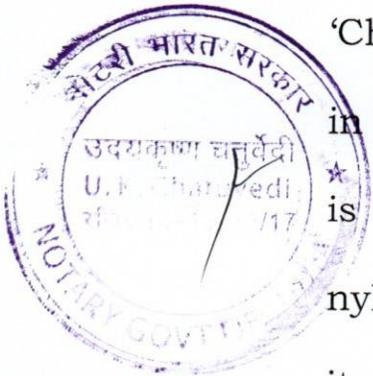
and festivals across the length & breadth of the Nation. Independence Day & Republic Day celebrations throughout the country are not complete without kite-flying. Moreover, kite-flying is a symbol of celebration cutting across all major festivals, be it Makar Sankranti, Holi, Dussehra, Deepawali, Eid ul Fitr, Eid uz Zuha, Basant Panchmi etc. The natural by-product of the simplistic activity of kite flying is bonhomie & camaraderie leading to community and national-building. Therefore the importance and impact of kites and kite flying on the individual, society, community and nation cannot be underestimated.

- 68.** Kite-flying is incomplete without the Dor/Manjha and it is an inseparable combination of these two elements which brings about the feeling of exhilaration and contentment. The sport of kite-flying is very popular and during festivals, as also on normal days, people fly kites of different sizes and shapes and indulge in the sport of 'kite-fighting'; the focus of which is to engage in a mid-aerial battle of the kites and down/ cut the kite of the opponent.

- 69.** The string used to fly a kite is called 'manjha' which is nothing but normal handloom cotton string/thread (known as 'Dor') lined with coating with the help of natural adhesives like boiled rice, flour, egg-white, tree gum and similar natural ingredients. The powdered glass

used in the making of the manjha is thoroughly crushed into a powder form and thereafter mixed with the natural adhesives (usually rice gluten) so as to form an organic compound, which is then applied on the cotton string. The negligible sharpness of the powdered glass is further reduced as it is mixed with boiled rice which makes it so fine that there is no sharp particle on the surface of the cotton dor. Furthermore, traditional manjha being made of ordinary handloom cotton has low tensile strength and thus easily breakable by hand and becomes even softer when exposed to atmospheric moisture and/or water. Moreover, the traditional manjha which is made up of natural products is completely bio-degradable and therefore not an environmental hazard.

- 70.** It has been respectfully submitted that the traditional manjha has been in use in various parts of the Country, from time immemorial and there have not been any report of casualty either of humans or animals/ birds for all these years. However, over last decade or so there has been a spurt in incidents involving industrial manjha or 'Chinese manjha' with reports of fatal casualties resulting in death of animals, birds and even humans. This string is industrially manufactured and is normally made of nylon, plastic, and synthetic substances, thereby making it almost impossible to break.



71. It has been argued on behalf of the intervenor **Munir L. Zaveri**, that he has been prohibited from use or sale of glass coated cotton thread (manjha). Further it is stated that he is not a seller or user of nylon thread/Chinese thread/synthetic thread but is selling glass coated cotton thread (manjha).

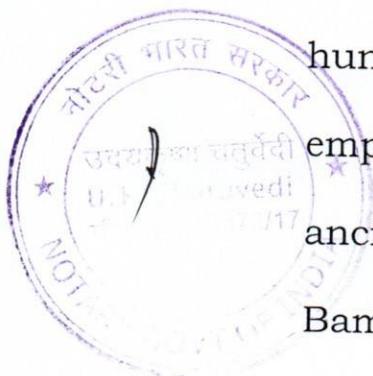
72. The glass-coated cotton thread (manjha) is an indigenous innovation done which has existed since antiquity. The glass-coated cotton thread (manjha) has become integral to kite flying. The kite flying is not only a sport in India but also an integral and inseparable part of certain festivals, like Makar Sakranti on 14th January. The kite-flying with glass-coated cotton thread (manjha) was used prior to independence to fly tricolour and has even become symbol or resistance to British Raj. It is due to this feature of kite flying as a resistance to British Raj, that it is still seen as a secular festival which is practiced on 15th August and 26th January every year, as mark of our Independence and Republic Day respectively.

73. Manjha is based on traditional recipes and uses rice gluten, tree gums and similar natural ingredients. It is also gummed, coloured and coated with powdered glass. Thus, making of glass-coated cotton thread (manjha) is a blend of both science and art. The making of manjha is a delectable art and involves creating a concoction of ingredients such as sirus, rice, dalchini, eggs, saboodana,



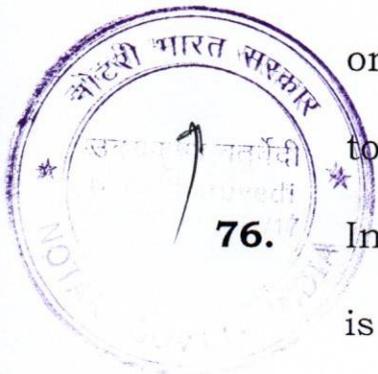
and right amount of glass powder to be applied on cotton threads. The manjha has been used since time immemorial and has become inseparable from kite flying. The base content of manjha is "cotton thread" to which the paste comprising of colour, starch, glue etc. is applied. If seen in totality, it is mainly the "Cotton Thread" which would be 99% of the Total Product Content and balance 1% would comprise of other ingredients like starch, glue, coarse meada (refined wheat flour) in which some small element is that of the "Glass Powder". As such Glass Powder would be a very miniscule element on the manjha as a whole. Besides Glass is the most ubiquitous compound primarily made of minerals/metals, glass per se is not banned and its use is universal for commercial, industrial and domestic purposes. Therefore, glass is a compound of various minerals, which should be banned on the ground that it is not bio-degradable. All metals are non-biodegradable.

74. It is not only the manjha industry which is affected by this order but also the kite making industry which affects hundreds of crores out of which 70% of the people employed are women. In addition to this, there are allied ancillaries (all small scale/household) like Gum, Tape, Bamboo Sticks etc. thereby affecting the livelihood of thousands of people, who are living at subsistence levels.



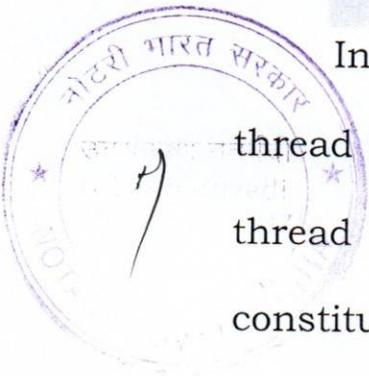
75. Arguments have also been advanced on behalf of **Rajasthan kite flying club**, subsequently impleaded party. It has been submitted that kite flying is a game for every one and it has been long recognized and played in India and abroad. This is a sport / game and source of entertainment for every age group, community as a whole and a game of the poor. In Rajasthan, since erstwhile State (Rulers), kite flying and its competition had been a social and cultural heritage. Subsequently with the formation of the State of Rajasthan, Tourism Department and Rajasthan Tourism Development Cooperation had also been organising kite flying festival every year. It was the cotton thread with starch and sand coating which had been manufactured, sold and used for flying of kites, since the time immemorial. Due to their low strength and being bio-degradable in nature, it assists environmental protection. Plastic/nylon threads had never been used in kite flying. Like other organisation and clubs, the Rajasthan Tourism Department and Rajasthan Tourism Development Corporation also organize kite flying festival every year for local and foreign tourist.

76. In Rajasthan, cotton thread with starch and sand coating is mainly used because it has low tensile strength and are being manufactured, sold and used for the purpose of kite flying, since centuries. The use of such cotton



thread has never reported any surgical event of individual or birds, due to their low tensile strength and their biodegradable nature. They are non-conductor of the electricity also. They are product of home made cottage industry and is livelihood of about 2.5 lakh persons in Rajasthan. The glass coated thread, having very little glass dust, is also used in Rajasthan but no incidence of causality of surgical event occurred. This thread is made of cotton which has low tensile strength and could be easily broken. The occurrence of surgical incidents started only after coming into market of plastic / nylon thread which is a product of large industry. Their metal coat is also good conductor of electricity and is dangerous due to their high tensile strength thus non-biodegradable in nature. These nylon plastic threads are being manufactured in the name of kite thread and even without labelling it so by different manufacturers. The kite flying is a sport of poor from centuries and important fact which require consideration is that why only in last 7 or 8 years surgical events of the individuals or birds have occurred.

In the fighter kites and kite competition only cotton thread is permitted to be used and no nylon / plastic thread is being allowed anywhere. Both of them constitute a different classes.



77. In the State of Rajasthan, the Department of Local Self, Jaipur vide order dated on 10.12.12 and thereafter every year, issues orders and give information through newspapers, to totally ban plastic and synthetic thread/manjha of harmful substances. The time prohibiting kite flying has also been prescribed which is between 6 am to 8 am and 5 pm to 7 pm. Such regulation was in compliance of the order passed by Hon'ble High Court, Jaipur on 22.08.2012, in the case of Mahesh Agrawal vs State of Rajasthan &ors (Writ Petition no. 15793/2011). In the State of Rajasthan proper regulation do exists in this regard.

78. It has, therefore, been prayed to restrict manufacture, sale and use of nylon or plastic thread for kite flying and to allow cotton thread coated with starch, stone dust & with negligible small quantity of glass dust to save the cottage industry, cultural heritage and the sport.

79. To begin with we would first consider the **steps taken by** Central Government and some of the State **Governments** for banning synthetic, plastic, glass coated, metal coated and other such like threads which are being used for flying kite, as they are razor sharp.

80. **Animal Welfare Board of India**, a statutory body under the Ministry of Environment and Forest, Government of India, had issued a letter on 14th May, 2013 to the Private Secretary of the Hon'ble Ministry of Forest in all the

States/UTs in the country. By the said letter a request was made that necessary steps be taken by States to issue immediate notice banning the sale and use of glass coated, metal, plastic or other sharp manjha in the State. The said letter reads as under:

*Animal welfare Board of India
(Ministry of Environment and Forests, Govt. of India)*

S. UMA RANI
SECRETARY
2013

Dated 14th May,

No. 8-5/2013-14/HE

To,

The P.S. to the Hon'ble Minister of Forest of all States/UTs

Sir/Madam,

Sub: Request for Ban on glass-coated, metal, plastic or other sharp Manjha thread-Reg.

I am directed to bring to your kind notice that the Animal Welfare Board of India (AWBI) a statutory body under the Ministry of Environment and Forests, Government of India was established for promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular. One of the important functions of the Board is to impart education in relation to humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions etc.

The Prevention of Cruelty to Animals Act 1960 makes causing unnecessary suffering to any animal illegal. The manjha used in kite-flying competitions is gummed and coated with powdered and finely crushed glass or made sharp using other materials Killing wildlife is illegal under the Wildlife Protection Act 1972 which states, "No person shall hunt any wild animal as specified in Schedules I, II, III, IV or V of the Act "The act in Chapter I (16) (a) defines hunting as "capturing, killing, poisoning, snaring and trapping of any wild animal and every attempt to do so" and (c) "injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles

damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles" Yet manjha is deadly for thousands of pigeons, crows, owls, kites, vultures and other birds-including those whose species are endangered-who get slashed, wounded or killed when they become entangled in the manjha.

In order to uphold our nation's animals protection laws and our Constitutional mandate under Article 51A(g) "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures", the sale and use of glass-coated, metal, plastic or other sharp manjha must be banned. As you know, sharp manjha is used to cut opponents kites but it also causes criminal cruelty to animals and people, resulting in them suffering severe injuries and death and disrupts power lines, sometimes causing electrocution. Manjha is already banned in some places, such as Gujarat, Mumbai, Chennai and the Punjab province of Pakistan but is often not well enforced.

A bird rescuer in Ahmedabad estimates that 2,000 birds are injured every year during Uttarayan in that city alone and that 500 of them die from their injuries. Of course, these are only reported cases. Many other bird injuries and deaths go unreported.

In addition to its horrific toll on birds, every year manjha results in injury, death or electrocution of people as the sharp string accidentally slits the throats of people travelling on motorbikes, or cuts power lines as children fly kites.

In view of the above, it is therefore requested that necessary steps be taken by the State to issue an immediate notice banning the sale and use of glass-coated, metal, plastic or other sharp manjha thread in your state and our streets, parks and trees from this indiscriminate killer. Your action would help safeguard the environment for people and for animals.

Yours faithfully,

(S. UMA RANI)
Secretary

81. Subsequently, even the **Ministry of Textile** had taken up the issue with the Ministry of Environment, Forests and Climate Change, so much so that the Hon'ble Minister of State

for Textile (Independent Charge) wrote a letter on 24.06.2014 to the Hon'ble Minister for Minister of Environment, Forests and Climate Change. By the said letter a request was made to issue necessary instructions under the Environment Protection Act, 1986, for making the people aware and to prohibit/use/sale of purchase of Chinese manjha to save the birds and human beings from injuries and fatal accidents. The said letter is reproduced as under:

Santosh Kumar Gangwar

Minister of State for Textiles
(Independent Charge)
Minister of State for Parliamentary Affairs,
Water Resources, River Development
and Ganga Rejuvenation
Government of India
New Delhi-110 011

D.O. No. 12014/15/2011-IT (ii)

24th June, 2014

Sri Prakash Javadekarji,

As you are kindly aware, kite flying is common in India in almost all States especially in festive periods. Traditionally the kite flying was done by cotton string (Cotton Dor). But recently, some Chinese suppliers have introduced a synthetic kite flying thread made from continuous polyester/nylon filament commonly called Chinese Dor. There have been incidents of fatal accidents including cutting of body parts of the children, killing of birds because of usage of Chinese dor. Apart from that, Chinese Dor is non-biodegradable and can cause electric shock to user, if this dor comes in contact with electric lines. Many States Transmission Utilities have also issued guidelines requesting people to avoid using synthetic kite flying thread (Chinese Dor) as it causes damages both to the kite flyer as well as the infrastructure.

2. Further, the process of making cotton string & winding it on traditional spools (Charkhi) is a labour intensive job and in and around Bareilly (UP) area alone, approximately 4500-5000 workers are earning their livelihood by doing this job. But introduction of Chinese Dor is affecting their livelihood.



3. Government of Gujarat has also issued instructions under the Environment Protection Act prohibiting the usage of Chinese Dor.

4. Hon'ble High Court of Judicature for Rajasthan Bench at Jaipur has passed an order dated 22.08.2012 giving directions to the authorities to ensure that Pucca thread made of plastic or any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc., which is likely to cause injury to the birds as well as people, is not used for kite flying. Subsequently, State Government of Rajasthan has passed an order for not using the same for kite flying.

5. The State Government of Rajasthan has passed an order No. F. 12(1) Env/2012 dated 13.01.2012 under Section 5 of Environment (Protection) Act, 1986 prohibiting the use of Pucca thread made of plastic of any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc. which is likely to cause injury to the birds as well as the people, is not used for kite flying.

6. Also, Animals Welfare Board of India, Chennai has also sent request to Principal Secretaries to the Minister of Forest of all states/Union Territories for ban on metal plastic dor.

7. In view of the above, may I request you to issued necessary instructions under the Environment Protection Act, for awareness of the people and for prohibiting the use/sale/purchase of Chinese Dor in the interest of saving the human beings and birds from injuries and fatal accidents and also with a view to protect the environment.

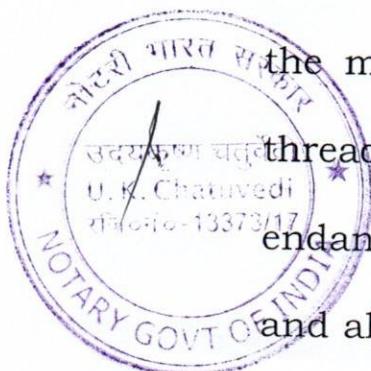
With regards,

Yours Sincerely

Sd/-

(Santosh Kumar Gangwar)

82. Thereafter, the **Ministry of Environment, Forests** and Climate Change itself became very much concern with the menace of the kite thread made of nylon or other threads gummed and coated with powder glass which endangered the life of birds like pigeons, crows, vultures and also the rare and threatened species of birds. It also



took note of the judicial orders passed by the High Court of Rajasthan in a PIL of the year 2012. Therefore, the Ministry had asked all the States to look into the issue and take appropriate action. The letter of Ministry dated 9th September, 2014 reads as under:

HEM PANDE
ADDITIONAL SECRETARY

Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan Jor Bagh Road,
New Delhi-110003
Website: moef.nic.in

9th September, 2014

D.O. No. 17/16/2014-AWD

Dear

This is regarding use of Chinese string made of nylon commonly called 'Chinese Dor' and other thread gummed and coated with powdered and finely crushed glass, used for kite flying. Kite fliers who use such strings endanger life of flying birds, namely, pigeons, crows, owls, kites, vultures and also rare and threatened species of birds.

A number of incidences of killing of birds and injury, death or electrocution take place because of use of Chinese Dor and glass coated manjha for flying kites. In W.P. (PIL) number 15793/2011, the Hon'le High Court of Rajasthan has directed the concerned authorities to ensure that pucca thread made of plastic or any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc. is not used in kite flying.

Killing wildlife is illegal under the Wildlife (Protection) Act, 1972 and causing injury to animals is a violation of the Prevention of Cruelty to Animals Act, 1960. Article 51 A(g) of the Indian constitution also states that "It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures".

I shall be grateful, if you would look into the issue and take appropriate action in the matter.

Yours Sincerely,

(Hem Pande)



To

*The Chief Secretaries of all States/UTs (By Name)
(As per list)*

- 83.** The **State of Rajasthan** had issued notice under Section 5 of the Environment (Protection) Act, 1986, on 13th January, 2012 in respect of the kite flying festival (Makar Sankranti) Directions were issued to take necessary measures and actions including mass awareness programmes to sensitize the people that pukka threads made by plastic etc. are not to be used for kite flying. Further, to ensure that kite flying is avoided between 6.00 AM to 8.00 in the morning and 5.00 to 7.00 in the evening. Notice dated 13th January 2012 reads as under.

GOVERNMENT OF RAJASTHAN
Department of Environment

No.F.12(1)Env/2012
Jaipur, dated: 13-01-2012

Notice of Directions under section 5 of Environment (Protection) Act, 1986.

*WHEREAS, it is observed that during the Kite Flying Festival (**Makar Sankranti**), a lot of injuries caused to the people and birds on account of Pucca Thread made out of plastic of similar such synthetic material or other toxic materials like iron powder, glass powder etc.*

AND Whereas, it is a well-known fact that the activity of the birds is at the peaks during 6.00 am to 8.00 am in morning and from 5.00 pm to 7.00 pm. in evening.

AND whereas, it is also desirable to protect the people from the fatal effects of the kite thread made out of toxic material such as glass powder, iron powder etc. or plastic or synthetic thread of Chinese make.



AND whereas, it is also deriable to protect to innocent birds including the Vulture which are getting extinct day by day and classified as endangered species and need to conserve them.

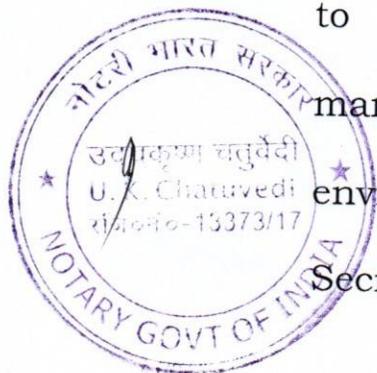
You are therefore directed under section 5 of Environment (Protection) Act, 1986 to take necessary measures and actions including mass awareness programmes to sensitize the people as follows:

1. The Pucca thread made of plastic of any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc. which is likely to cause injury to the birds as well as the people is not used for kite flying.
3. To ensure that kite flying between 6.00 am to 8.00 am in the morning and 5.00 pm to 7.00 pm in evening during these days is avoided.

(M.S. Tewari)
Director cum Deputy
Secretary, Environment

84. Thereafter the Environment Department of **Government of Maharashtra** also issued similar directions under Section 5 of the Environment (Protection) Act, 1986. The said notice includes ban of pakka threads/nylon manjha, to stop the whole sellers from dealing in such threads to prevent adverse effects on soil waterways and cattle pollution caused by cutting or falling of such thread used in kite flying causing injury to ecology and animals and to sensitize the people that the use of nylon manjha/thread causing accidents, injuries, damage to environment etc. The direction issued by the Principal Secretary, Government of Maharashtra is as under:

GOVERNMENT OF MAHARASHTRA



No. CRT-2015/CR-37/T.C.2
 Environment Department
 New Administrative Building
 15th floor, Mantralaya,
 Mumbai 400 032
 Date: 30.03.2015

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986, regarding injury caused to the birds and humans by threads made of plastic/synthetic material commonly known as Nylon Manjha.

Whereas, during the kite flying festival, a lot of injury is caused to the people and birds on account of Pucca thread made out of plastic or similar such synthetic material commonly known as Nylon Manjha. These injuries many a times turn out to be fatal causing death of people & birds. It is therefore desirable to protect the people & birds from the fatal effects of the kite thread made out of nylon or plastic or synthetic thread.

AND WHEREAS, all these cut threads along with the kites remain on the land. Because of the very long life of the plastic materials & being non-biodegradable in nature, these threads continue to be causing problems such as blockages of sewers, drainage lines, natural waterways such as river, streams etc. and suffocation of cows & other animals also who eat food items along with such nylon/ plastic material. Thus the impact of such plastic materials used for making thread are many & varied.

AND WHEREAS, extensive use of such synthetic thread which are non-biodegradable, often result in flash-over on the power lines and substations, which may cause power interruptions to consumers, straining and damaging electrical assets, causing accidents, injuries to wildlife and loss of life.

AND WHEREAS, it is desirable to protect the innocent birds which are getting extinct day by day and classified as rare and endangered species, and the need to protect them.

AND WHEREAS, in the "Makar Sakranti" Kite festival, kite flying takes place in large scale all over Maharashtra.

It is therefore hereby directed under Section 5 of the Environment (Protection) Act, 1986, to take following necessary measures and actions immediately including



mass awareness programmes to sensitize the people, as follows.

1. Not to allow the use of the Pucca threads commonly known as Nylon Manjha, made out of plastic or any such synthetic material, which is likely to cause grievous injury to the birds as well as to human beings during kite flying.

2. The wholesalers dealing in such thread be stopped well in advance so that they do not stock such so called Nylon Manjha 7 sell during the Makar Sankranti festival.

3. To prevent the adverse effect on soil, water ways and cattle population caused by cutting or falling of such threads used in kite flying which are non-biodegradable and can cause immense injury to ecology and animals, once they touch the soil strata.

4. To sensitize people that use of such Nylon Manjha threads, which are non-biodegradable in nature and often result in flash-over on the power lines and substations causing power interruptions to consumers, straining and damaging electrical assets, causing accidents, injuries and loss of life, damage to environment and therefore such Nylon threads are not to be used for kite flying.

(Ajay Mehta)

Principal Secretary, Environment

85. The Government of **Telangana**, through its Secretary Environment, Forests, Science & Technology issued an order on 13.01.2016 to ban procuring, stocking, sale and use of Chinese manjha(thread) and glass coated manjha for kite flying. The order banning the thread under

Section 5 of the Act 1986 reads as follows:



GOVERNMENT OF TELANGANA
Abstract

Environment, Forests, Science & Technology Department-
Ban on procuring, stocking, sale and use of

Chinese Manjha (nylon thread) and glass-coated Manjha for kite flying-Orders
-Issued.

Environment, Forests, Science & Technology (Env.)

Department

G.O. MS. No. 2

Dated: 13.01.2016

Read the following:

1. D.O. No. 17/16/2014-AWD, Dt.09.09.2014 of MoEF&CC, GOI.
2. From the CWLW, Lr. Rc.No.680/2015/WL-2, dt. 16.01.2015
3. From the M.S., TSPCB, Lr. No. Gen-07/TSPCB/Platic/2015-2167, Dt. 23.12.2015
4. From the M.S., TSBDB, Lr. Ref.No.319/TSBDB/2015, Dt. 10.12.2015

Order:

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

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

1. Government, after careful examination of the matter and in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 hereby imposed complete



ban on procuring, stocking, sale and use of nylon thread which is commonly called as 'Chinese Dor' or other synthetic (non-biodegradable) threads coated with glass or other harmful substances used for kite flying or other purposes and likely to cause grievous injury and inconvenience to animals including birds as well as human beings during festivals or other occasions.

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

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

Sd/-

Vikas Raj
Secretary to Government

86. The Principal Secretary to the Government of **Jammu and Kashmir**, Department of Forest, Environment & Ecology had issued a notification on 17th April, 2016, in exercise of its powers under Section 7(3) of the Jammu and Kashmir non-biodegradable material (Management, Handling and Disposal) Act, 2007, after consultation with the prescribed authority, imposed ban on manjha used for flying kites. The said notification was to come in force after 30 days from the date of its notification in the Government Gazette. The notification reads as under:

Government of Jammu & Kashmir
Department of Forest, Environment & Ecology,
Civil Secretariat

Notification
Jammu, the 07th April, 2016

SRO 126- In exercise of the powers conferred by under section 7(3) of the Jammu & Kashmir Non-Biodegradable



Material (Management, Handling and Disposal) Act, 2007, the Government of Jammu and Kashmir, after consultation with the prescribed authority (Jammu and Kashmir State Pollution Control Board), hereby imposes a ban on procuring, stocking, sale and use of Nylon Strings (manjha), used for flying kites, made out of any non-biodegradable material, as listed in Schedule I of the said Act, whether coated or not, within the territorial limits of the State of Jammu and Kashmir.

This notification shall come in force after 30 days from the date of its publication in the Government Gazette.

By order of the Government of Jammu and Kashmir.

Sd/-
(Rakesh Kumar Gupta)IAS
Principal Secretary to Government,
Department of Forest, Environment, & Ecology

No:- FST/PCB/66/2002-IV

Dated:- 07.04.2016

87. The Special Chief Secretary to Government of **Andhra Pradesh** had issued an order, in the name of Governor of Andhra Pradesh, on 16.04.2016 whereby all Departments and Organizations were to take immediate action to sensitize people for not using Chinese dor or other synthetic (non-biodegradable) threads for kite flying during festival or other occasions. The abstract of the order of 16.04.2016 is as under:

*Government of Andhra Pradesh
Abstract*

EFS&T Department-Wildlife-Use of Nylon thread coated with glass/ Chinese Manjha during the festival or other occasions in the State of Andhra Pradesh-Banned-Orders-Issued

*Environment, Forests, Science & Technology (Section.II),
Department*

G.O.Ms. No. 42

Dated; 16-04-2016
Read the following

Order:

*The Ministry of Environment, Forests & Climate Change,
Government of India, New Delhi in their D.O. letter 1st read*

above, have informed about the threat posed to Birds like Vultures, Kites, Owls, Pigeons, Crows etc., due to use of 'Chinese Dor' made of Nylon and coated with finely crushed glass in kite flying and requested the State Government to take appropriate action.

2. The Principal Chief Conservator of Forests (WL), Andhra Pradesh, Hyderabad, in his letter 5th read above has requested to issue the orders for banning the use of Nylon thread coated with glass/ Chinese Manjha during the Sankranthi festival in the interest of conservation of Wildlife and Welfare of Human beings.

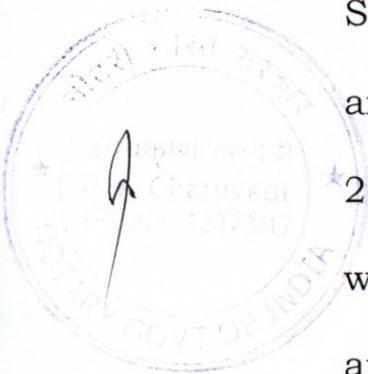
3. Government after careful examination of the matter and in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986, hereby impose ban on procuring, stocking, sale and use of Nylon thread which is commonly called as 'Chinese Dor' or other synthetic (non-biodegradable)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

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

(By Order and in the name of the Governor of Andhra Pradesh)
Ashwini Kumar Parida
Special Chief Secretary to Government

To,
The Principal Chief Conservator of Forests (WL)
Andhra Pradesh, Hyderabad.

88. The Government of **Karnataka** through its Under Secretary in (Ecology and Environment) Forest, Ecology and Environment Department issued a notification on 24th June 2016 under the said notification directions were issued for imposing ban on procuring, stocking, sale and use of nylon thread which is only known as Chinese dor or Chinese manjha with immediate effect. The



notification dated 24th June 2016 is reproduced hereunder:

Government of Karnataka

No. FEE 03 FWL 2016

Karnataka Government Secretariat
M.S. Building
Bangalore, Dated: 24.06.2016

NOTIFICATION

Whereas, the Ministry of Environment, Forests and Climate Change Government of India vide D.O. Letter No. 17/16/2014-AWD, Dated 09.09.2014 has addressed all the States and Union Territories informing about the threat posed to Birds like Vultures, Kites, Owls, Pigeons, Crows etc. due to use of "Chinese Manjha" made of nylon and coated with finely crushed glass for kite flying and requested the State to take appropriate action.

And whereas, Article 48A and clause (g) of Article 51 A of Constitution envisages the duties and responsibilities of the State and Citizens of India to protect and improvement of environment and to protection and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

And whereas it has come to the knowledge of the Government that the use of nylon thread which is commonly called as Chinese Dor or Chinese Manjha or other synthetic (non-bio-degradable) threads coated with glass or other harmful substances used for kite flying or other purposes likely to cause grievous injury and inconvenience to birds, animals as well as human beings.

And whereas, it is observed that those threads also adversely affect soil, water, cattle and damages the environment.

And whereas, the Ministry of Environment of Forests (Department of Environment, Forests and Wild Life) Government of India in its notification vide no. SO.152 (E), dated: 10.02.1988 under Section 23 of the Environment (Protection) Act, 1986, delegates the powers vested in its under section 5 of the said Act to the State Government.

Now, therefore, in exercise of the powers conferred under section 5 of the said Act read with Central Government notification vide SO. 152 (E) dated 10.02.1988 the

Government of Karnataka in public interest, hereby issues the following direction for imposing ban on procuring, stocking, sale and use of nylon thread which is commonly called as 'Chinese Dor or Chinese Manjha' and other synthetic (non-bio-degradable) threads coated with glass or other harmful substances used for kite flying with immediate effect namely.

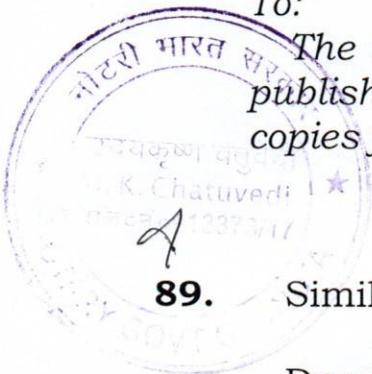
1. No person including shopkeeper vendor, wholesaler retailer, trader, hawker or salesperson shall procure, stock, sell and use Chinese Manjha or Chinese Dor which is made of Nylon thread or other Synthetic (Non Bio-Degradable) threads coated with glass or other harmful substances used for kite flying in the State.
2. The following officers shall enforce this direction:
 - a) All Forest officers as per the definition provided in the Karnataka Forest Act, 1963.
 - b) Officers working in Forest and Horticulture wing of the Bruhat Bangalore Mahanagara Palike;
 - c) Assistant Environment Officer, Deputy Environment Officer, Environment Officer, Senior Environment Officer of Karnataka State Pollution Control Board.
3. The above officers shall take cognizance of offences and initiate legal action for violation of this direction under Karnataka Forest Act, 1963, Wild Life (Protection) Act, 1972 and Environment (Protection) Act, 1986 wherever they have been empowered.

By Order & in the name of the
Governor of Karnataka

(Andanayya Mathad)
Under Secretary to Government,
(Ecology and Environment)
Forest, Ecology and Environment Department

To:

The Complier, Karnataka State Gazette-with a request to publish in the forthcoming issue and arrange to furnish 200 copies for Departmental use.



89.

Similar orders have been issued by Department of Urban Development and Environment, State of **Madhya Pradesh** on 29th September, 2016 which reads as follows:

नगरीय विकास एवं पर्यावरण विभाग,

मध्य प्रदेश शासन
मंत्रालय भोपाल

क्रमांक 2872/1560/2016/18-5

दिनांक 29 सितम्बर, 2016

प्रति,

1. समस्त जिला कलेक्टर, मध्यप्रदेश
2. समस्त पुलिस अधीक्षक, मध्यप्रदेश।

विषय:- पर्यावरण (संरक्षण) अधिनियम 1986 की धारा 5 के अन्तर्गत पतंग उड़ाने में उपयोग किये जाने वाले प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित नायलोन मांजे से पक्षियों एवं मानवों को होने वाले दु प्रभाव के कारण इसका उपयोग प्रतिबंधित किये जाने बाबत।

यह कि आप सभी को विदित ही है कि त्यौहारों के अवसर पर पतंग उड़ाने में उपयोग किये जाने वाले प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित नायलोन/चायना मांजे से पक्षियों एवं मानवों के दुर्घटनाग्रस्त/मृत्यु होने की बहुतायत घटनायें हो रही हैं।

2/यह कि प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित नायलोल/चायना मांजे नॉन बायोडिग्रेडेबिल प्रकृति का बना होने के कारण पीघ न ट नहीं होता, जो अधिक समय तक जमीन पर पड़े रहने से जमीन, ड्रनेज/सीवर लाईन को चौक होने, नदी एवं नालों में पहुंचकर नुकसान पहुंचाता है। प्लास्टिक/सिन्थेटिक मटेरियल से बने नायलोन/चायना मांजे को गाय एवं अन्य पशुओं द्वारा खाद्य पदार्थ के साथ खाने से दमघुटने का कारण बनता है।

3/यह कि चायना धागे के बिजली के खुले तारों में उलझने से तारों में पार्ट सर्किट से आग लगने एवं सब स्टेशन के दुर्घटनाग्रस्त होने से विद्युत प्रदाय में अवरोध होने, विद्युत उपकरणों के खराब होने, उनके दुर्घटनाग्रस्त होकर मानव जीवन को क्षति एवं हानि पहुंचने का कारण बनता है।

4/यह कि, यह सर्वविदित है कि पक्षियों के उड़ने संबंधी गतिविधियाँ प्रातः 6 बजे से 8 बजे तक एवं सायंकाल 5 से 7 बजे तक अधिक होती है, जो कि मनोहरी होती हैं। दिन प्रतिदिन लुप्त होती दुर्लभ प्रजातियों के पक्षियों को चिन्हित कर उनके संरक्षण एवं संवर्द्धन की आवश्यकता है।

5/अतएव पर्यावरण (संरक्षण) अधिनियम 1986 (1986 का 26) की धारा 5 के अधीन प्रदत्त अधिनियम की धारा 23 के अधीन प्रत्यायोजित की गई हैं, को प्रयोग में लाते हुए, राज्य सरकार एतद् द्वारा निर्दिशित करती है कि आप निम्न निर्देशों का अनुपालन सुनिश्चित करें एवं जन-सामान्य में आवश्यक जाग्रती हेतु प्रचार-प्रसार करें:-

1. पतंग उड़ाने में उपयोग किये जाने वाले प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित चायनीज/नायलोन मांजे से पक्षियों एवं मानवों को होने वाले दु प्रभाव के कारण इसका उपयोग प्रतिबंधित किया जाए।

2. प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित चायनीज/नायलोन मांजे के थोक विक्रेता उक्त मांजे का संग्रहण एवं विक्रय बंद करें ताकि मकर संक्रांति के दौरान उनका उपयोग ना हो सके।
3. नॉन बायोडिग्रेडबिल प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित चायनीज/नायलोन मांजे से पतंग उड़ाने के कारण पक्षियों की संख्या में कमी, जल स्रोतों, एवं मिट्टी पर पड़ने वाले दु प्रभाव एवं दुर्घटनाओं को रोका जाए।
4. नॉन बायोडिग्रेडबिल प्लास्टिक/सिन्थेटिक मटेरियल से निर्मित चायनीज/नायलोन मांजे के उपयोग से पक्षियों, मानव जीवन, को हानि, मिट्टी, जल स्रोतों, विद्युत लाईन, सब स्टेशन में होने वाले व्यवधान विद्युत प्रदाय में आने वाले अवरोध संबंधी घटनाओं के संबंध में जन-जागृति लाने हेतु आवश्यक प्रचार प्रसार करें।

(सी0के0साधव)

उप सचिव
मध्यप्रदेश शासन
नगरीय
विकास एवं पर्यावरण विभाग

क्रमांक 2872/1560/2016/18-5

भोपाल, दिनांक 29 सितम्बर, 2016

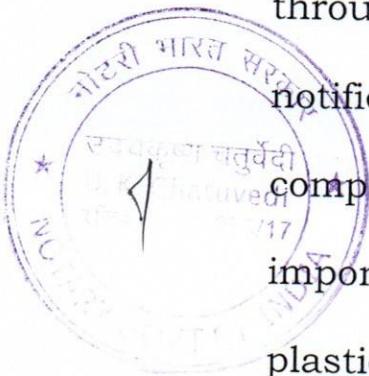
प्रतिलिपि:

- 1/निजी सचिव, माननीय मंत्रीजी, पर्यावरण, मध्यप्रदेश शासन।
- 2/उपसचिव मध्यप्रदेश शासन, मुख्य सचिव कार्यालय, मंत्रालय।
- 3/अपर मुख्य सचिव, गृह विभाग, मध्यप्रदेश शासन, मंत्रालय भोपाल की ओर प्रेषित कर अनुरोध है कि समस्त पुलिस अधीक्षकों को इस संबंध में आवश्यक निर्देश प्रसारित करने का कृपया कट करें।
- 4/मुख्य सचिव, सामान्य प्रशासन विभाग, मध्यप्रदेश शासन, मंत्रालय भोपाल।
- 5/मुख्य सचिव, जन-सम्पर्क, सूचना एवं प्रसारण विभाग मध्यप्रदेश शासन, मंत्रालय भोपाल की ओर प्रेषित कर अनुरोध है कि जन-सामान्य में चेतना लाने हेतु आवश्यक प्रचार-प्रसार करने का कट करें।
- 6/सदस्य सचिव मध्यप्रदेश प्रदुग्ण नियंत्रण बोर्ड, भोपाल की ओर प्रेषित कर अनुरोध है कि समस्त जिला कलेक्टरों को अपने स्तर से मेल प्रेषित करने का कट करें।

उप सचिव
मध्यप्रदेश शासन
नगरीय
विकास एवं पर्यावरण विभाग

90. The Government of National Capital Territory of Delhi

through its Department of Environment, issued a notification on 10.01.2017 with regard to banning complete use on the production, sale, storage, supply, import and use of kite flying thread made out of nylon, plastic or any other synthetic material. The kite flying is permissible only with cotton thread which is free from



strengthening material. Under the notification certain officers have been authorized to implement the same and monitoring has to be done through other officers which include administrative, police force and health department. It has also been noted that violation of such directions shall be punishable under Section 15 of the Act of 1986 which includes imprisonment of 5 years and/ or with fine extending up to Rs. One lakh or both. The notification banning the manjha issued by NCT Delhi is as follows:

*(TO BE PUBLISHED IN THE DELHI GAZETTE
Extra-ordinary Part IV)*

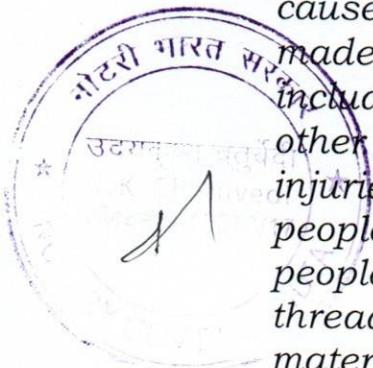
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI
DEPARTMENT OF ENVIRONMENT 'C' WING, 6TH FLOOR,
DELHI SECRETARIAT,
NEW DELHI-110002

New Delhi, 10-01-2017

NOTIFICATION

No. F.12(508)/Env./Ban on Manjha/2015/64-81. –
WHEREAS, article 48-A of the Constitution of India, inter-alia envisages Protection and improvement of Environment and safeguarding of forests and wild life. The state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country;

AND WHEREAS, during the kite flying, a lot of injury is caused to the people and birds on account of use of thread made out of plastic, nylon or similar such synthetic material including popularly known "Chinese thread/ manjha" or nay other thread coated with glass/ metallic components. These injuries many a times turn out to be fatal causing death of people and birds. It is, therefore, desirable to protect the people and birds from the fatal effects of the kite flying thread made out of plastic, nylon or similar such synthetic material including popularly known "Chinese thread/manjha" or any other thread coated with glass/



metallic components. These injuries many a times turn out to be fatal causing death of people and birds. It is, therefore, desirable to protect the people and birds from the fatal effects of the kite flying thread made out of plastic, nylon or similar such synthetic material including popularly known "Chinese thread/ manjha" or nay other thread coated with glass/ metallic components;

AND WHEREAS, during kite flying several kites get cut in the sky as a consequence of kite competition or otherwise. All these cut threads along with the kites remain on the land. Because of the vary long life of the plastic materials and being non-biodegradable in nature, these threads become a cause of concern from environment point of view;

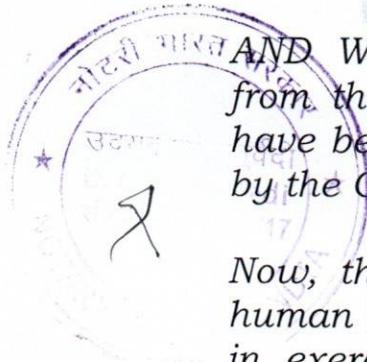
AND WHEREAS, extensive use of such kite flying thread which are non-biodegradable, conductors of electricity often result in flash-over on the power lines and sub-stations, which may cause power interruptions to consumers, straining and damaging electrical assets, causing accidents, injuries and loss of life;

AND WHEREAS, it is also a well-known fact that the activity of the birds is at peak during 6:00 AM to 8:00 AM in morning and from 5:00 PM to 7:00 PM in evening and it is desirable to protect the birds including the vultures which are getting extinct day by day and classified as rare and endangered species, and there is a need to protect them from such fatal kite flying thread/ manjha;

AND WHEREAS, a draft notification, in exercise of the powers conferred by Section 5 of the Environment (Protection) Act, 1986 (29 of 1986), sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 read with Government of India, Ministry of Home Affairs, Notification No. S.O. 667 (E) dated the 10th September, 1992, was published in the Delhi Gazette vide No. F. 12(508)/Env./Ban on Manjha/2015/3494-3510 on 16th August 2016 by the Government, inviting objections and suggestions from all concerned in the stipulated time, i.e., 60 days from the date of publication of the said notification;

AND WHEREAS, the objections and suggestions received from the public with respect to the said draft notification, have been considered by the Expert Committee appointment by the Government;

Now, therefore, in order to prevent the adverse effects on human beings, cattle population, birds, soil and ecology and in exercise of the powers conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with Government of India, Ministry of Home Affairs' Notification



No. SO 667 (E), dated 10th September, 1992, the Hon'ble Lieutenant Governor of the National Capital Territory of Delhi, hereby issues the following directions:-

Directions:-

3. There shall be complete ban on the sale, production, storage, supply, import and use of kite flying thread made out of nylon, plastic or any other synthetic material including popularly known as "Chinese manjha" and any other kite-flying thread that is sharp or made sharp such as by being laced with glass, metal or any other sharp materials in the National Capital Territory of Delhi.
4. Kite flying shall be permissible only with a cotton thread, free from any sharp/metallic/ glass components/ adhesives/ thread strengthening materials.

Authorized Officers:-

The following officers are hereby authorized to implement this notification in their respective jurisdiction, namely:-

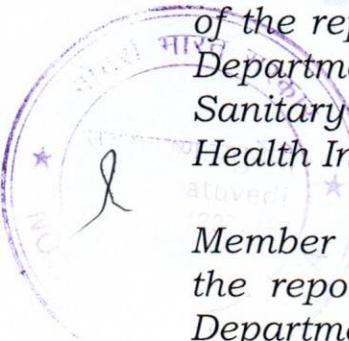
1. Officers of the rank Tehsildars and above of Revenue Department, Govt. of NCT of Delhi.
2. Officers of the rank Wildlife Inspectors and above of the Forest Department, Govt. of NCT of Delhi.
3. Officers of the rank Sub-Inspectors and above of Delhi Police.
4. Sanitary Inspectors, General Licensing Inspectors and Public Health Inspectors of the MCDs.

Monitoring:-

The Chairman and Member Secretary (DPCC) and the Sub-Divisional Magistrates of the respective area/ jurisdiction are authorized to file complaint under section 19 of the Environment (Protection) Act, 1986, as already empowered vide Notification no. 349 (E) dated 16th April, 1987 as amended up to date.

The Sub-Divisional Magistrates will take action on the basis of the report submitted by Tehsildars and above of Revenue Department, Sub-Inspectors and above of Delhi Police and Sanitary Inspectors, General Licensing Inspectors and Public Health Inspectors of the MCDs.

Member Secretary, DPCC will initiate action on the basis of the report of Wildlife Inspectors and above of the Forest Department.



Sub-Divisional Magistrates and Member Secretary, DPCC shall file monthly report to Chairman, DPCC.

This notification shall come into force on the date of its publication in Delhi Gazette.

Note: The violation of directions issued under section 5 of the Environment (Protection) Act, 1986, or the rules made thereunder shall be punishable under section 15 of the said Act which include imprisonment upto five years and/ or with fine which may be extended to Rs. One Lac or with both.

By order and in the name of the Lt. Governor
Of the National Capital Territory of Delhi

(Chandraker Bharti)
Secretary (Environment & Forests)

91. On 9th February 2017 the Home Department, **Government of Manipur** also issued an order, in compliance of the order passed by the Tribunal on 14.12.2016, that their shall be prohibition on procuring, stocking, sell and use of nylon thread known as Chinese dor, management. The District Magistrates and the Superintendents of Police were directed to comply the order in letter and spirit.



GOVERNMENT OF MANIPUR
SECRETARIAT : HOME DEPARTMENT

O R D E R

Imphal, the 09th February, 2017

No.20/4(3)/2017-H(LC): Whereas, the National Green Tribunal, Principal Bench, New Delhi in its order dated 14/12/2016 passed in Original Application No. 384/2016 and Original Application No. 442/2016 (M.A No. 1247/2016) Khalid Ashraf & Anr Vs Union of India & Ors, And People for the Ethical Treatment Animals (PETA) India Vs Union of India & Ors, has directed the following:

We here by direct that in the entire country there shall be prohibition on procuring, stocking, sale and use of Nylon thread which is also called Chinese Dori or Chinese manjha and other synthetic threads coated with glass and such other harmful substances for kite flying.

We make it clear that the cotton thread other than aforesaid threads could be used for kite flying. We also make it clear than even the cotton thread which is glass coated or coated with other harmful material will also not be permitted to be used for kite flying, till the next date of hearing.

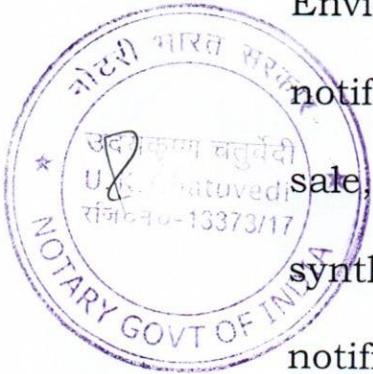
2) Now, therefore, in compliance of the above referred order dated 14/12/2016 of the Hon'ble National Green Tribunal, New Delhi, the Governor of Manipur is pleased to order that there shall be prohibition on procuring, stocking, sale and use of Nylon thread which is also called Chinese Dori or Chinese manjha and other synthetic threads coated with glass and such other harmful substances for kite flying in the State of Manipur with immediate effect.

3) The District Magistrates and the Superintendents of Police concerned are hereby directed to comply with the above in letter and spirit.

By order & in the name of
Governor,

M. Ngamkhothang Haokip
Under Secretary (Home)
Govt. of Manipur.

92. Further in compliance of the order passed in the instant case of Khalid Ashraf the Department of Housing and Environment, Government of **Chhattisgarh** had issued a notification on 25.02.2017 completely prohibiting the sale, production, storage, supply and use of nylon, synthetic threads in the State of Chhattisgarh. The said notification issued under Section 5 of the Act of 1986, entailing the violators for imprisonment, fine and/ or



both. The notification issued by Government of Chhattisgarh reads as under:

Government of Chhattisgarh
Housing and Environment
Mahanadi Bhawan, Naya Raipur

Naya Raipur, Dated 25/02/2017

//NOTIFICATION//

No. F 05-95/2016/32: Whereas, Article 48-A of the Constitution envisages protection and improvement of the environment and safeguarding of the forests and wild life of the country.

And whereas, it is known that the pukka thread, commonly known as Chinese Manjha or Chinese Dor, used for kite flying, manufactured from plastic and synthetic materials, causes injuries to people, and its fatal for birds.

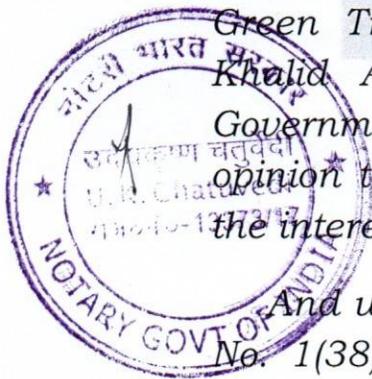
And whereas, such thread being non-biodegradable, damages the environment in several ways including blockage of sewers, drainage systems, rivers, streams, reservoirs and suffocates animals who may consume the same.

And whereas, such thread is a conductor of electricity, it often results in flash-overs on the power lines and sub-stations, causes power interruptions, straining and damaging of electrical assets, accidents, injuries and loss of life.

And whereas, certain species of birds are getting rare or extinct, and it is imperative to protect them from similarly resulting injuries.

And whereas, in compliance of the order of the Learned Green Tribunal in Original Application No. 384 of 2016 *Khalid Ashraf V. Union of India & Others*, the State Government upon carefully examining the matter is of the opinion that the use of such synthetic thread be banned in the interest of safety and conservation of wildlife.

And whereas, the Central Government vide its notification No. 1(38)/86-PL dated 10th February, 1988 has delegated the powers vested in it under Section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986) to the Government of the erstwhile state of Madhya Pradesh, now Chhattisgarh.



Now, therefore, in exercise of the powers conferred by Section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986), read with sub-rule (5) of Rule 4 of the Environment (Protection) Rules, 1986, in order to address the adverse effects of the use of such synthetic thread on general safety and biodiversity, and to promote use of eco-friendly alternative to such thread, the State Government, hereby, completely prohibits the sale, production storage, supply and use of nylon, synthetic or any other such thread coated with finely crushed glass, metal, or any other sharp objects, including threads commonly known as Chinese Manjha or Chinese Dor, in the State of Chhattisgarh.

The Violation of the directions issued under Section 5 of the Environment (Protection) Act, 1986 (No. 29 of 1986), or the rules made thereunder shall be punishable under Section 15 of the said Act which includes imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees or with both.

By order and in the name of the Governor of Chhattisgarh,

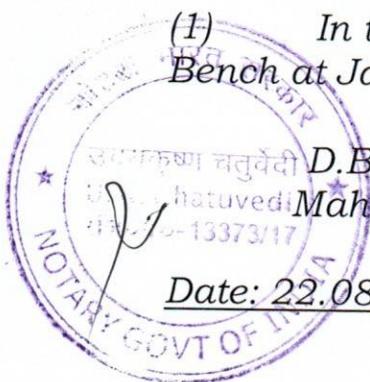
(Regina Toppo)
Joint Secretary

93. Some of the **High Courts** have also taken note of the seriousness of the issue of synthetic thread/ manjhas in kite flying and the fatal consequences thereof. They have issued appropriate directions on the subject to the respective State Authorities and the concerning officers for fully implementing them.

(1) In the High Court of Judicature for **Rajasthan**
Bench at Jaipur

D.B. Civil Writ Petition (P.I.L) No. 15793/2011
Mahesh Agarwal Vs. State of Rajasthan & Anr.

Date: 22.08.2012



In view of aforesaid stand and as submitted fairly before us by learned Advocate General, that prohibitory directions be issued to the concerned authorities and meaning of the communication dated 13.01.2012 is clear and even otherwise, this Court may direct the concerned authorities to restrain use of Pucca thread made of plastic or any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc.

In view of aforesaid, considering the public interest and aforesaid various aspects and factual matrix of the matter, we direct the concerned authorities to ensure that Pucca thread made of plastic or any such synthetic material of Chinese make or other toxic materials like iron powder, glass powder etc., is not used in kite flying. Steps be also taken to ensure that sale of such material for the purpose of kite flying does not take place in the State of Rajasthan. Respondents also to ensure that requisite action is taken within a period of six weeks from today, due publicity should also be given, particularly before Makar Sankranti and sale of such banned materials should be stopped for the purpose of kite flying.

Accordingly, the writ petition is allowed.

Let a copy of order be sent to all the District Collectors for issuing necessary orders for compliance.

(NARENDRA KUMAR JAIN-I), J. (ARUN MISHRA), CJ.

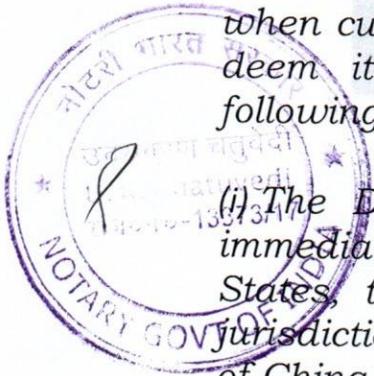
(2) High Court of **Punjab and Haryana**

CWP No. 487 of 2015 (O&M)

H.C. Arora, Advocate Vs. State of Punjab and others

Looking into the gravity of the situation, particularly the Basant Panchmi festival, which is just round the corner, when customarily the people fly kites in large numbers. We deem it appropriate to issue further directions to the following effect:

(1) The DGPs of the States of Punjab and Haryana will immediately issue directions to all the SHOs of the respective States, to immediately conduct raids within their area of jurisdiction against sale, storage and purchase of such kind of China Dori made of synthetic material or any other similar material which is being sold and used for kite flying purposes, which is dangerous to not only the human life but also to the birds and seize the same immediately.



(ii) The above said officers are further directed that no trader or person in their respective States be allowed to sell the above said Dori.

(iii) The States of Punjab and Haryana will investigate and submit their respective reports as to whether the China Dori is a conductor of electricity, as this would have a great bearing on the safety of human life, particularly the birds.

CWP No. 487 of 2015 (O&M)

(iv) All the Deputy Commissioners in the States of Punjab and Haryana are directed to organise announcements to be made in the respective States to the general public informing them about the dangerous nature of the China Dori, so that they can educate their children not to use such kind of Dori for flying kites.

A compliance report of the above directions be submitted to this court within a period of one week. Adjourned to January 29, 2015.

(SATISH KUMAR MITTAL)
JUDGE

January 20, 2015

(DEEPAK SIBAL)
JUDGE

(3) HIGH COURT OF JUDICATURE AT **ALLAHABAD**

AFR

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 58620 of 2015

Petitioner :- Anurag Mishra

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Yogesh Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Dr. Dhananjaya Yeshwant Chandrachud, Chief Justice

Hon'ble Yashwant Varma, J.

The petition has been instituted as a public interest litigation to highlight the serious dangers to public safety that are being caused by the use of "Chinese Manjha" as an

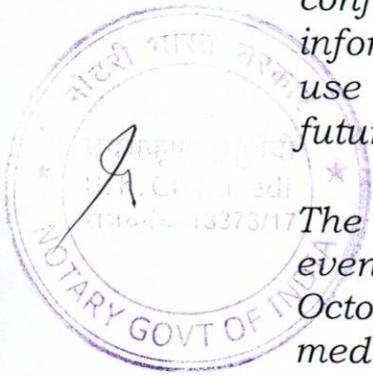


appendage to kites. The string or Manjha, as it is stated, is made of metallic/nylon yarn with an abrasive coat of crushed glass gummed on it which makes it razor sharp. As a result, serious injuries are liable to be caused and are being caused. The petitioner initially relied upon a report published in the daily newspaper 'Hindustan' dated 25 September 2015 which indicated that a death had been caused as a result of an accident due to the kite string. The kite string is also known to cause grievous injuries to birds. The petitioner has, broadly, sought three reliefs:

- (i) A prohibition on the manufacture or sale of the string;
- (ii) Designation of areas for the flying of kites which would obviate dangers to public safety; and
- (iii) Treatment of persons who are injured.

By the order of this Court dated 14 October 2014, the Collector and District Magistrate was directed to look into the matter and formulate steps to be taken to curb incidents such as those which are highlighted in the petition. In the meantime, a direction was issued to initiate steps to spread awareness among of the inherent danger involved, to prevent the use of Chinese Manjha and to adopt suitable measures to prevent accidents. In response, the Collector and District Magistrate states that the Commissioner, Allahabad Division, in pursuance of a representation which was received by him, directed the District Magistrate by a letter dated 29 September 2015 to take necessary action. After taking a legal opinion from the Joint Director of Prosecution on 9 October 2015, the Additional District Magistrate (City) issued an order on 5 November 2015 under Section 144 of the Code of Criminal Procedure Code, 1973 prohibiting the sale and use of "Chinese Manjha" in the entire city of Allahabad. Moreover, it has been stated that a joint team of executive magistrates and police officers have made surprise raids on various shops where such material is being sold and the material found in such raids has been confiscated. The District Administration, the Court has been informed, is taking all possible steps to prevent the sale and use of "Chinese Manjha" to prevent any such incident in future.

The seriousness of the problem is apparent from the fact that even after passing of the order of this Court dated 14 October 2015, incidents have been reported in the print media about deaths and injuries which have been sustained as a result of contact with the offending Manjha strings. For instance, the learned counsel appearing on behalf of the



petitioner has placed on the record a copy of a report dated 20 October 2015, contained in the daily edition of 'Hindustan' which indicates that a man aged about 44 years sustained grievous injuries on the neck near the Iskon Temple as a result of an accident was caused due to injuries sustained from the Manjha string. Similarly, there is a report in the daily newspaper 'Dainik Jagran' dated 15 November 2015, stating that a young child has sustained serious injuries on the nose due to an accident sustained through contact with "Chinese Manjha". Various other news items have been placed for the perusal of the Court. These include a report published in 'Amar Ujala' dated 28 October 2015, in its Allahabad edition. There is also a subsequent report dated 21 October 2015, in the daily 'Hindustan'.

We are conscious of the limitations on the evidentiary value of such newspaper reports. However, having due regard to the element of public interest involved, we are of the view that the matter is serious enough to warrant appropriate action by the District Administration as we shall now indicate, at a wider state level, since the problem may not be only confined to the city of Allahabad. The affidavit which has been relied upon by the District Administration contains a complaint which was submitted to the Commissioner, Allahabad Division. The complaint contains a summary of other incidents which have taken place in the past involving deaths of human beings and grievous injuries to birds as well. The representation indicates that in the preparation of the "Chinese Manjha", the use of iron and glass pieces is resorted to on plastic (instead of the use of conventional thread) which renders the Manjha extremely potent and capable of causing serious injuries.

In our view, the issue must be tackled not only by making sporadic raids, as has been done by the District Administration but first and foremost, steps must be taken by the authorities to ensure that there is a complete prohibition on the manufacture of "Chinese Manjha" at a statewide level. Where any such activities are found to be carried out illegally, necessary enforcement action should be taken in respect of such establishments and for seizing all material. Secondly, a sustained awareness and publicity campaign should be carried out so as to ensure that members of the public, particularly the younger generation which indulges in the sport of flying kites particularly in and around the 'Makar Sankranti' festival is made conscious of the dangers involved. This should be ensured by carrying out a sustained publicity campaign, in the print and electronic media and by utilizing the social media to propagate public service messages.

The petitioner prays that wherever possible, it would be



appropriate to designate specified places for flying kites so as to reduce the possibility of the danger involved. We are conscious of the fact that the sport of flying kites takes place across localities and even on the terraces of residential houses and there may be limitations on the power of the District administration to enforce such a regulation as sought, however desirable. The District administration may look into this aspect about designating one or more places during the Sankranti festival. We leave this to the District Magistrate to decide. Hence, we are of the view that basically the issue which needs to be addressed is in regard to prohibiting the manufacture, sale and use of material which is liable to pose a danger to human health and to birds and animals by the use of the "Chinese Manjha".

We clarify that by this order we are not imposing any ban on the flying of kites but are issuing necessary directions so that such material which causes grave danger to human beings, animals and birds as the petitioner has highlighted is not used. The danger and problem is not confined to Allahabad. Apart from the district of Allahabad, if the Principal Secretary (Home) shall issue a communication to the Collectors of each district containing directions in implementation of this order. The directions contained in this order are not intended to be an exhaustive catalogue. The State Government shall adopt all appropriate steps for enforcement in accordance with law, including necessary steps to prohibit manufacture, use and sale of "Chinese Manjha" in any form whatsoever. The petition is, accordingly, disposed of. There shall be no order as to costs.

Order

Date:-19.11.2015

VMA

(Dr.D.Y.Chandrachud,C.J.)

(Yashwant Varma, J.)

High Court of **Jammu and Kashmir** At Jammu

WPPIL No. 3/2016

MP No. 1/2016

Date of order 04.04.2016

Save (Save Animal Value Environment) Vs. The State of Jammu and Kashmir



6. Keeping in view the non-issuance of notification/SRO inspite of the recommendations made by the State Pollution Control Board to the Department of Forests, Environment & Ecology and the fact that due to non-banning of sale/purchase and use of plastic/synthetic Chinese sharp Kite strings called 'Manjha' in the State of Jammu and Kashmir, human beings are put to dangerous situations apart from animal and birds and having regard to the fact that in other States ban orders were issued, this Court being protector of lives of human, animal and birds is bound to grant the prayer as sought for in the writ petition. Hence the writ petition is allowed with direction to the 1st respondent to issue ban order banning sale/purchase and use of plastic/synthetic Chinese sharp kite strings called 'Manjha' in the State of Jammu within period of one week from today and Kashmir forthwith and monitor its implementation through all the District Superintendent of Police and the Station House Officers of the Police Stations.

7. The writ petition is allowed with above directions. No costs.

(Dhiraj Singh Thakur)
Judge

(N. Paul Vasanthakumar)
Chief Judge

Jammu,

04.04.2016

(5) In the **High Court of Gujarat** At Ahmedabad

Writ Petition (PIL) No. 253 of 2016

With

Writ Petition (PIL) No. 6 of 2017

SIDDHARAJ SINH MAHAVIR SINH CHUDASAMA

Vs.

State of GUJARAT

11. From the material placed on record, prima facie we are of the view that use of the nylon threads which is called Chinese thread or Chinese manza and other synthetic threads coated with glass and other such other harmful substances in the kite flying is dangerous and the same are not to be allowed in public interest. As such, we issue the following directions at present to the respondent nos. 1 to 3- State of Gujarat and its authorities:



1. Respondent nos. 1 to 3 – State of Gujarat and its authorities shall take all possible steps to prohibit the use of Chinese lanterns during the festival of Uttarayana.

2. They are further directed to take all possible steps to prevent manufacture, storage and use of nylon threads (Chinese threads and Chinese manza) and any other synthetic threads coated with glass for the purpose of kite flying.

3. As much as the government has already issued instructions by Circular dated 17th December, 2016 and further Commissioners of Police, Superintendents of Police and District Magistrates have issued notifications as contemplated under Section 144 of the Code of Criminal Procedure, respondent nos. 1 to 3-State respondents are directed to take all possible steps to enforce such circular and notifications issued under Section 144 of the Code of Criminal Procedure Strictly and scrupulously.

4. State and its authorities are directed by using print and electronic media to create awareness among the citizens about such notifications issued by the competent authorities prohibiting the use of Chinese manjha, plastic threads coated with glass and other dangerous substances and Chinese lanterns during kite flying on the festival of Uttarayan.

5. Further State authorities are directed to take steps against the manufacturers/ storekeepers and those stocking and selling nylon thread which is called as Chinese majha or dori and other synthetic threads coated with glass and harmful substances for the purpose of kite flying.

12. It is needless to observe that these directions are by way of interim measures for the present and the same are subject to further orders to be passed by this Court at the time of final disposal of the petitions.

13th January, 2017

(R. SUBHASH REDDY, CJ)

A.G. URAIZEE, J)

(6) Some businessmen, being aggrieved of the ban order passed by Collector of Cuttack, filed various petitions before Hon'ble High Court, Odisha at Cuttack. The petition were filed by Bighnaraj Mallick (WP(C) No. 3592 of 2016), Rabindra Maharana(WP(C) No. 3594 of 2016), Ganesh Kumar Mallick (WP(C) No. 3596 of 2016), Sukanta Nandi



(WP(C) No. 3598 of 2016) and Abhaya Kumar Dutta (WP(C) No. 3599 of 2016).

The said cases were heard by the **High Court of Odisha** and while dismissing them on 08.11.2016 the following observations were made.

“The decision of the District Administration in banning Chinese and even Indian made manjha whether plastic or cotton thread used as an appendage to kites or metallic or nylon yarn with an abrasive coat of crushed glass gummed on it, which makes it razor sharp. The District Administration has rightly banned the same. This court directs that the District Administration should not only ban use of such dangerous materials in flying kites, but it also should create awareness, conduct raids and fix specified safe places for flying kites. However, this order should not be considered as a prohibition against use of the traditional cotton thread, without any abrasive coat, used as an appendage to fly kites”.

The order of the High Court was sent to the Collector of Cuttack, DCP Cuttack and DCP Bhubaneswar for taking necessary action against the defaulters.

94. There are number of studies, reports and surveys on the issue of impact of nylon and synthetic manjha on environment. One of the research report which talks about the ill effects of nylon Manjha on children, environment etc. has been published in

EMA Emergency Medicine Australasia

Emergency Medicine Australasia (2014) 26,478-480

ORIGINAL RESEARCH

Kite Flying: Ancient tradition or death trap?



Suvir Singh, Nitin James PETERS, Clarence SAMUEL, William BHATTI and Dhruv Nath Ghosh

“Recognising the underlying factors and implementation of strong preventive measures such as specific areas and guidelines for kite flying would go a long way in reducing morbidity and preventing childhood mortality from this ancient tradition.”

“Conclusion: This study highlights the importance of kite flying injuries as a common mode of injury in children and adolescents. It is an easily preventable mode of injury with simple safety regulations and possibly stronger legislation.”

95. Similarly in Research Gate, a research note has been published:

Kite flying: Effect of Chinese Manjha on birds in Bangalore, India

Sharat Babu, S. Subramanya & Mohammed Dilawar

Introduction

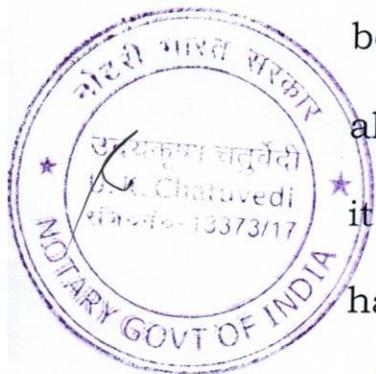
“The festival of Makar Sankranti is celebrated all over India during the third week of January with great gaiety. Traditionally, the flying of kites has been an integral part of the festive celebrations (Bareth 2003; Prakash 2003; Anonymous 2012; Soumya 2013; Wikipedia 2013). During the festival, people fly kites of different sizes and shapes. The focus of this sport and pastime is to fly one’s kite into another flying close-by, and try and cut the string of that kite so that it falls from the sky. The string used to fly kites is popularly called, ‘Manjha’. During these kite-flying events, the kite flyers seek strings that are made of a strong thread, so that the strings of other kites can be cut easily when engaged in a midair duel. In recent times, the traditional cotton threads that were used as manjha have been replaced by much cheaper and stronger Chinese manjha (NDTV 2011; Anonymous 2012). Manjha can injure birds when they collide against it in mid air, and they may even suffer death due to the severity of the injuries sustained; manjha can be fatal to human lives too (Bareth 2003; Prakash 2003; Anonymous 2012; Beauty Without Cruelty 2013; Soumya 2013). During Sankranti, in cities like Jaipur in Rajasthan, and Ahmedabad in Gujarat, the whole sky is filled with kites-a million or more kites are known to dot the sky at the same time-each trying to joust with neighbouring kites. This goes on all day, from before sunrise to after sunset (A. Prakash, verbally).”

“Once the string of a rival kite is severed (the length of the string could vary from a couple of centimetres to



several meters), it gets wind-blown and drifts along with the kite and settles or gets caught on tall trees or tall protruding artificial structures like electricity or telegraph poles and protuberances on tall buildings. As a result of the breeze, the kite strings too get twisted firmly on to the branches in the canopy or on other structures, wherever the kite settles. Being practically invisible, these suspended strings prove quite harmful to birds that get entangled in them while in flight (Chetan 2011, 2012, 2013; Vattam 2011). When these birds try to wriggle free of them, struggling in shock, they get further entrapped. Such trapped birds remain dangling from trees and other substrates for various periods of time until spotted by people. They undergo enormous stress and strain, may get maimed, or even die, if not rescued.”

96. The print media was equally aware and concern about the damage being caused by the Chinese manjha which is used for kite flying in a large scale. It is because of the strength of the Chinese manjha and obviously so as it is made of nylon/synthetic yarn that it has become more popular day by day, particularly because of the kite competition amongst the kite flyers. This has gradually pushed out the traditional cotton manjha which was being earlier used by all types of kite flyers. Apart from higher strength in nylon/synthetic manjha, the coating put on it consists of glass powder, synthetic materials etc. which has created havoc in the public. A large number of people particularly children of tender age between 5 to 15 years had not only been injured but had also met with death. The manjha is also dangerous when it comes in contact with electric lines. One such incident had been reported in the newspaper on 8th January 2010, when explosion due to kite strings on high-tension



electric line created a panic on the road. The said incident was reported in detail by Dainak Jagran, along with the views of the concerning Collector of the city. The news items is reproduced herewith:

Dainak Jagran

8 January, 2010

Accident:

Explosion due to Chinese kite string in high tension electric line;

Panice in narrow road, children put aside

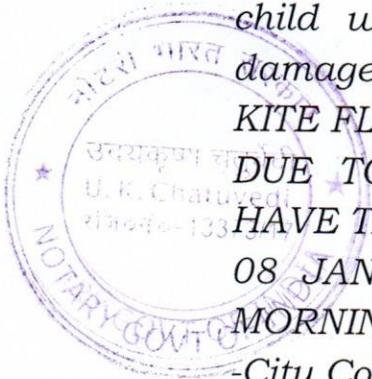
Correspondent, Jaipur: Road damaged due to blast happened in High tension line from Chinese string in Ghanshyam Vihar.

On Thursday, in Panchyawala Ghanshyam Vihar heavy explosion took place when the Chinese kite string as dropped on Hi-tension line that as a result of this road was also damaged. Fortunately, at that time nobody was present at the site of the incident place, but fear has been spread in the nearby people. At first people thought that wires of Hi-tension have been joined with each other, but having been seen kite as put on the spot the matter was become crystal clear.

The eyewitnesses told that the part of string which was touching ground from Hi-tension was burned, ahead part of the same where kite was tied was saved. In afternoon, around 02:00 p.m. a kite being cut had come on Hi-tension wire and dropped down on ground. One part of string was on Hi-tension wire and another part was put on ground, subsequently high blast was taken place and road was dislocated upto around 3-4 meters. At that time a boy Manish Bhamania ageing 10 years was coming to pick the kite and prior to that blast was made. People said that if the child would arrived to the kite then he could have got damaged.

KITE FLYING IS PROHIBITED NEARBY HI TENSION LINES.
DUE TO INCREASEMENT OF EVENTS THE COLLECTOR HAVE TAKEN A STEP, POLICE WILL TAKE ACTION. BAN ON 08 JANUARY FROM 08:00 A.M. TO 28 FEBRUARY TILL MORNING 07:00 A.M.

-City Correspondent-Jaipur



In the view point of incidents as continuously happening due to Chinese string in the city, Collector Kuldeep Ranka had banned for kite flying nearby area of Hi-Tension Line on Thursday. This ban will be continued from 08th January from morning 08:00 a.m. to 28th February till morning 07:00 a.m. The concerned Police Officers can file prosecution in the Court against those who will do violation of this.

Ranka told that in the range of Jaipur City nobody will use any types of string in which metal mixtures was existed therein nearby Hi Tension Lines. There is possibility to get harm to general people and birds with the use of metal mixtures string. By the using of this string, there is possibility to get current with the touching of Hi Tension Line.

They told that action will be taken against those who will do violation of this under section 183 of Indian Penal Code. The concerned Station House Officer of the area can file prosecution in the Court against those persons. There is a provision to penalize for six months herein.

97. The accident which had taken place on Makar Sankranti in the year 2014, resulting in injuries to 73 persons and a death of 5 years old girl on that day in one city alone, was reported by The Hindu. The comments of In-charge of the Hospital, where the injured were given medical treatment, were also noted. The said news item is as follows:

The Hindu Jaipur, January 14, 2014

Kite thread claims girl's life, 73 others injured in Jaipur on Makar Sankranti

Kite flying tradition on Makar Sankranti on Tuesday turned out to be a nightmare for parents of a five-year-old girl, who died after her throat was slit by a sharp thread, while 73 others were injured in kite flying accidents, police said in Jaipur.

Chanchal, who was going with her father on a bike in Tonk Road area here, fell down on the road side after 'manjha' (kite thread) hit her neck, the police said, adding her father also got injuries on his arm.



Chanchal was rushed to hospital bleeding profusely where she was declared brought dead by the emergency doctors, SMS Hospital Additional Superintendent Dr. Ajit Singh told PTI.

The body was handed over to the parents after post mortem, he said.

In the kite flying related accidents, altogether 73 injured people mostly children reported to the hospital's emergency ward, where 13 were admitted to the trauma ward, and rest were discharged after required treatment, Dr. Singh added.

Besides hundreds of birds got wounded and scores were killed during kite festival due to 'manjha', which is coated with glass pieces, according to an NGO which provided medical treatment for the injured avians.

- *
98. We have heard the learned counsels for the parties at great length and extensively pursued the material on record. Kite flying had been prevalent in our country since ancient times. Historically speaking it is believed that kites and kite flying have been introduced in India by the Chinese traveller Fa Hein and Huein Tsang who had visited this country in 5th Century B.C. and 7th Century A.D. respectively. Kite flying as a tradition has evolved and modified a lot since then. The Royals of Lucknow are famed for flying kites with a golden thread attached, as an incentive for people to cut them. Kites have come from fancy cloth toys for the Royalty to a national past-time made from tissue paper and bamboo; from a celebratory event to an intensely competitive sport. For centuries, the "patang" or "guddi" as they are commonly known, was made of a fragile piece of paper. Kite flying has become an integral part of everyday life of



the people, both in rural and urban areas. Such a recreational activity has connected diverse people by transcending the boundaries of caste, religion, colour and even nationality and it soared the spirits of each limitless blue skies.

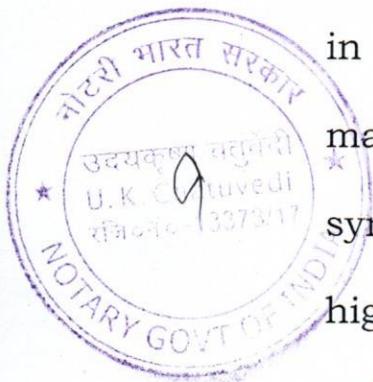
It has also become a part of many traditions and festivals across the nation. As for instance, Independence Day and Republic Day celebrations throughout the country are not complete without kite flying. In fact kite flying has become a mark of celebration cutting across of major festivals, be it may Makar Sankranti, Holi, Dussehra, Deepawali, Eid ul Fitr, Eid uz Zuha, Basant Panchmi etc. The importance of kites and kite flying for an individual, community, society and the Nation cannot be overlooked. With rapid urbanization and fast pace of modern life, the activity of kite flying has become less regular but its popularity among the masses has stood the test of time through centuries.

99. A kite cannot fly without a string, called, dor/manjha which is undetachable combination of these two things. Kite flying is immensely popular even during normal days. The flying of kites are of various sizes and shapes. It is also a sport wherein kite fighters are engaged in a mid-aerial battle of the kites with the object to cut the kite of the other person. The thread for flying which is

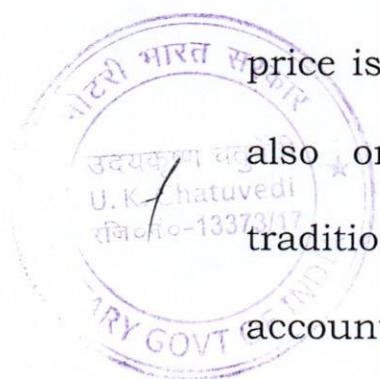


known as dor, is also called manjha. Traditionally speaking the string/thread meant for flying kites is a thread of cotton which is made by handloom. Some of it is also lined with glass powder coating with the help of natural adhesive like boiled rice, flour, tree gum and similar other natural ingredients. A glass used for making of manjha is in a powder form and mixed with a natural adhesive usually rice gluten, so as to form an organic compound which is applied on the cotton thread. The sharpness of the powder glass is reduced by mixing boiled rice and it becomes so fine that there is no sharp particle on the surface of the cotton dor. The handloom cotton used for manjha has a low tensile strength and therefore easily breakable by hand. It becomes softer when exposed to atmospheric moisture or water. Being made up of natural products, the traditional manjha is completely biodegradable and therefore environmental friendly.

- 100.** The traditional manjha is used in the entire country since ancient times. There had never been any report of casualty either of human beings or animals or birds. It is in the recent past that manjha is industrially manufactured and normally made of nylon, plastic and synthetic substances. Such thread/manjha has a very high tensile strength which makes it unbreakable in an ordinary way, by hands. It is noteworthy that the name



of Chinese manjha given to the thread string meant for kite flying is a misnomer. It is neither Chinese nor is it a manjha as is normally understood. An appropriate name for such thread would be nylon thread string or plastic thread. These two are the commonly used material now days, in production of manjha. The name and reputation of traditional manjha has been maligned and hijacked by such like artificially manufactured strings/thread and it has assumed the name of manjha. These strings/threads (nylon/plastic) have harmed the environment and caused severe damage to birds, animals and human beings. A distinction between nylon strings/threads and the traditional cotton thread/manjha is that the former does not break easily as it is made of strong material. This is also the reason as to why the kite fighting enthusiast prefers the artificial thread as it does not get cut by a traditional thread or any other thread. Since synthetic thread is manufactured by using material like nylon, plastic, metal coating, synthetic adhesive etc., end product too is completely non-biodegradable and toxic. But looking to the large scale of production of artificial threads that its price is much lower than of traditional manjha, which is also one of the factors that it has surpassed the traditional cotton thread manjha. Primarily it is on account of strength and low price which has given it an



advantageous position over the traditional thread and to capture the entire market. The nylon strings have gradually reached all the markets i.e. the urban, semi urban and rural markets. However, the nylon strings/threads have increased the casualties manifold which include that of birds, animals, children etc. and news in this regard is being received from all over the country. Even the environment has not been spared from adverse impact of nylon and synthetic threads.

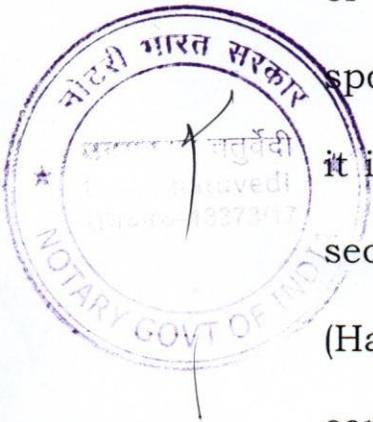
- 101.** The ill effects of these hazardous nylon strings have created havoc everywhere which has drawn attention of all, the Government, its authorities and the courts. At all levels, stringent measures have been initiated to curb the damage caused by nylon/plastic strings. Many of the State Governments have issued notification and circulars so as to prohibit the manufacture and sale of strings/manjha which are made from nylon, plastic and other synthetic material. The harmful effect of this hazardous material has also not spared the environment and is a threat to the life of birds, animals and human beings. It is noteworthy that the Government/authorities/courts have no-where banned the traditional manjha as they have rightly differentiated the cotton manjha, from the artificial/nylon strings or Chinese manjha. The reason is obvious that the traditional/cotton manjha is totally biodegradable and is



neither hazardous to environment nor a threat to lives of birds, animals and human beings.

102. Considering the overall unsafe and hazardous effects on environment as well as threat to live species the original applicant has rightly taken up the cause against these potentially harmful strings/manjha made of nylon, plastic, synthetic and other artificial sharp material. Even the traditional manjha industry has supported the cause taken up by the applicant, in so far as it is against the industries manufacturing nylon, plastic and synthetic strings/manjha. However, a line of distinction has to be drawn between traditional cotton manjha and nylon manjha which is harmful and dangerous to all. On account of the fault of nylon strings/ manjha the traditional cotton manjha cannot be punished. All manjhas cannot be said to be environmentally hazardous or a threat to the life of the animals and human beings.

103. It would not be out of place to point out that the process of making cotton manjha and winding it on traditional spools (Charkhi) is an exclusive labour intensive job and it is a small medium scale industry under the handloom sector. The office of the Development Commissioner (Handloom), under the Ministry of Textile is the concerning authority which has been instituted to develop a strong and vibrant handloom sector to provide sustainable development and empowerment to those



connected to the handloom sector. Apart from it, there are other organizations/institutions such as Indian Institute of Handloom Technology, National Handloom Development Corporation, Handloom Export Promotion Council, Weaver Service Centers etc. which are working for the welfare of the handloom sector under the control of the Ministry of Textile.

Surprisingly, a manufacturer of industrial handloom/ plastic/synthetic/metal strings are availing the exemption from taxes under the guise of manufacturing manjha of kites whereas they are manufacturing hazardous and harmful strings which are neither suitable nor desirable for kite flying. These strings are not manjhas meant for kite flying and have mischievously used the term manjha in order to evade taxes which would otherwise be applicable to their products.

- 104.** With the progress of this case many parties who were dealing with kite flying manjha and were interested in the issue got involved herein and became interveners in the case. This resulted in inclusion of nylon manjha makers as well as cotton manjha makers. As per their interest, nylon manjha manufacturers started focusing on the quality of the product while ignoring its ill effects i.e. danger to birds, animals, human beings and the

environment. In support of their contentions, both the sides had filed number of documents on record which includes reports from NITRA (A Textile Research Agency) recognized by Government of India, CPCB and Central Institute of Plastics Engineering and Technology.

- 105.** The research agency NITRA by its report dated 6.10.2016 with regard to blend composition (base) of some of the product of the intervenor Yamuna Industries, reported that the base of the product is 100% nylon. There cannot be any doubt about the fact that nylon is a non-biodegradable product and is harmful to environment or natural resources. Another set of the product of the intervenor company was also sent for the purpose of its base and tensile strength. A report was given on 10.10.2016 which clearly shows the high strength of Chinese manjha. After making a distinction from the report of cotton manjha manufacturers and mono kite manjha manufacturers, it is clear from the report of NITRA dated 05.10.2016, of the blend composition of the article number E-8057-30 Zakir Manjha and Sami kite manjha, that the base of the product is 100% cotton.

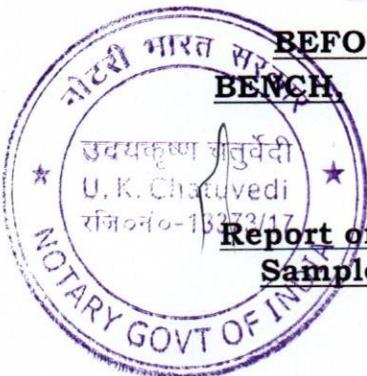
- 106.** The Tribunal had vide its order dated 14.12.2016 directed (wrongly mentioned as 06.02.2017 in the report) the Central Pollution Control Board to submit a report as to whether nylon thread of any ply claimed to be biodegradable is actually so. Also what standards of

tensile strength, thickness or other parameters should be prescribed for the manjha used for kite flying. The CPCB had received 9 samples of manjha of different types for testing of plastic thread or any other kind of thread. The said samples were sent to Central Institute of Plastics Engineering and Technology at Ahmedabad, for its material identification (plastic/non plastic), thickness and breaking strength. Out of those samples four were reported as yarn(non-plastic) belonging to Ms. Hatkargha Manjha Va Patang Shramik Kalyan Samiti, Bareilly (U.P.). The thickness of these samples was in the range of 0.3 to 0.44 and breaking strength is in the range of 12.2 to 26.4N. It was opined that these samples may be bio degradable or degradable. Remaining 5 manjha samples (nylon) provided by Ms. Yamuna Industries Ltd. were reported as pet plastic, which are non-biodegradable. The thickness is in the range of 0.28 to 0.33 and breaking strength is in the range of 22.04 to 25.6N. The report of CPCB as well as the report of CITP are reproduced hereunder:

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH.

NEW DELHI

Report of the Central Pollution Control Board Analysis of Manjha Samples in 384/2016 in Matter of Khalid Ashraf & Anr. V/s. Union of India & Ors.



In compliance of the Hon'ble National Green Tribunal Order dated 06.02.2017, Central Pollution Control Board has received through counsel of the petitioners, total nine (9) Manjha Samples of different types. Since, Central Pollution Control Board do not have specialized testing facility for testing of plastic thread or any other kind of thread, therefore, these samples were tested in CIPET, Laboratory at Ahmedabad for its Material Identification (Plastic on Non-plastic), thickness and Breaking Strength. Out of nine (9) samples, four (4) Manjha Samples were reported as Yarn (Non-Plastic) belonging to M/s. Hathkargha Manjha va Patang Shramik Kalyan Samiti, Bareilly (Uttar Pradesh). The thickness of these samples is in the range of 0.3 to 0.44 and breaking strength is in the range of 12.2 to 26.4. These samples may be bio-degradable or degradable subject to its further testing in the CIPET laboratory. Further, remaining five (5) Manjha samples (Nylon) provided by M/s. Yamuna Industries Ltd., were reported as PET-Plastic, which are non-biodegradable. The thickness is in the range of 0.28 to 0.33 and breaking strength is in the range of 22.4 to 25.6.

We would like to submit before the Hon'ble National Green Tribunal that CPCB is not the Competent Authority to decide acceptable grade for any kind of Kite-Flying Manjha. Probably, "Bureau of Indian Standard (BIS)" may be consulted for its Standard & Quality Parameters.

A summary of the test report showing all parameters are attached as Annexure-I. Also, a copy of CIPET Test report is attached as Annexure-II.

(Dr. S.K. Nigam)
Additional Director &
I/C Plastic Waste Management
10.02.2017



ANNEXURE-I

BEFORE NATIONAL GREEN TRIBUNAL (NGT)

OA 384/2016 IN MATTER OF KHALID ASHRAF & ANR. V/S. UNION OF INDIA & ORS.

ANALYSIS REPORT OF MANJHA SAMPLES

S. No.	Sample Code	Name & Address	Test Methods	Result of testing Manjha Samples by CIPET, Ahmedabad			Type
				Material Identification	Thickness	Breaking Strength	

				White	Green	White	Green	White	Green	
1.	1	Hathkargha Manjha va Patang Shramik Kalyan Samiti, Bareilly (UP)	ASTM E1252 IS 11320 1997 IS 9936 1992	Yarn (Non-Plastic)	Yarn (Non-Plastic)	0.352	0.3	12.2	14.3	May be Bio-degradable
2.	2	Hathkargha Manjha va Patang Shramik Kalyan Samiti, Bareilly (UP)	ASTM E1252 IS 11320 1997 IS 9936 1992	Yarn (Non-Plastic)	Yarn (Non-Plastic)	0.367	0.33	16.2	19.8	May be Bio-degradable
3.	3	Hathkargha Manjha va Patang Shramik Kalyan Samiti, Bareilly (UP)	ASTM E1252 IS 11320 1997 IS 9936 1992	Yarn (Non-Plastic)	Yarn (Non-Plastic)	0.44	0.32	18.8	17.0	May be Bio-degradable
4.	4	Hathkargha Manjha va Patang Shramik Kalyan Samiti, Bareilly (UP)	ASTM E1252 IS 11320 1997 IS 9936 1992	Yarn (Non-Plastic)	Yarn (Non-Plastic)	0.4	0.38	25.8	25.4	May be Bio-degradable
5.	5 (MK 8051 Bio)	Yamuna Industries Ltd.	ASTM E1252 IS 11320 1997 IS 9936 1992	PET Thread (Plastic) Violet		0.282		23.6		Non-Bio-degradable
6.	6 (MK 7051)	Yamuna Industries Ltd.	ASTM E1252 IS 11320 1997 IS 9936 1992	PET Thread (Plastic) Light Brown		0.282		25.6		Non-Bio-degradable
7.	7 (MK 9051 - Bio Green)	Yamuna Industries Ltd.	ASTM E1252 IS 11320 1997 IS 9936 1992	PET Thread (Plastic) Tomato Red		0.287		23.7		Non-Bio-degradable
8.	8 (MK 2051)	Yamuna Industries Ltd.	ASTM E1252 IS 11320 1997 IS 9936 1992	PET Thread (Plastic) Bluish Green		0.33		22.4		Non-Bio-degradable
9.	9 (MK 6051 Bio)	Yamuna Industries Ltd.	ASTM E1252 IS 11320 1997 IS 9936 1992	PET Thread (Plastic) Dark Green		0.282		22.7		Non-Bio-degradable

**ANNEXURE-II**

CENTRAL INSTITUTE OF PLASTICS ENGINEERING AND TECHNOLOGY

(Ministry of Chemicals & Fertilizers, Govt. of India)

630, Ph.IV, GIDC, Valva, Ahmedabad-382445

Ph. 079-040103990/40103923 Fax. 40083905

Email : cipetahmd@gmail.com / admedabad@cipet.gov.in

Website : www.cipet.gov.in

Series : F

PLASTICS TESTING CENTRE
TEST CERTIFICATE

S.L. No. 3388

Issued to Central Pollution Control Board
(Ministry of Environment Forest & Climate
Change, Govt. of India)
Parivesh Bhawan' C.B.D. Cum-Office Complex,

Test Report No. : 5316
Dated : 02.02.2017
Your Ref. No. : B-17011/7/

Rest Report as per Standard : As part C

PART A
PARTICULARS OF SAMPLE SUBMITTED

- a) Name of Sample (as stated by party) : Kite manjha (Sr. No. 1 to 9)
 b) Grade / variety / type / size / class : NA
 c) Declared value, if any : NA
 d) Code No. : NA
 e) Batch No. and Date of Manufacture : NA
 f) Quantity : 09 Nos.
 g) Mode of Packing : Packed in Envelope
 h) Date of Receipt : 19.01.2017
 i) Date of Completion : 02.02.2017
 j) Sealed or not : Sealed
 k) Any other information : NA

PART B
SUPPLEMENTARY INFORMATION

- a) Reference to sampling procedure : Samples supplied by the party
 b) Supporting documents for measurement taken and result derived : As per Part C
 c) Deviation from the test method as prescribed in relevant work Instructions : As per Standard
 d) Code No. : NA
 e) Batch No. and Date of Manufacture : NA
 f) Quantity : 09 Nos.
 g) Mode of Packing : Packed in Envelope
 h) Date of Receipt : 19.01.2017
 i) Date of Completion : 02.02.2017
 j) Sealed or not : Sealed
 k) Any other information : NA

**PLASTICS TESTING CENTRE**

Kite manjha (Sr. No. 1 to 9)

Test Report No. 5316
Dated : 02.02.2017**PART C**
TEST RESULTS

Sr. No.	Tests	Test Method	Results Obtained
			Sample 1

			White	Green
1.	Material Identification by FTIR	ASTM E 1252	Yarn	Yarn
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.31 0.394 0.352	0.281 0.337 0.3
3	Breaking Strength (N)	IS 9936:1992	12.2	14.3
Sample 2				
			White	Green
1.	Material Identification by FTIR	ASTM E 1252	Yarn	Yarn
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.341 0.394 0.367	0.309 0.366 0.33
3	Breaking Strength (N)	IS 9936:1992	16.2	19.8
Sample 3				
			White	Green
1.	Material Identification by FTIR	ASTM E 1252	Yarn	Yarn
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.421 0.477 0.44	0.314 0.338 0.32
3	Breaking Strength (N)	IS 9936:1992	18.8	17.0
Sample 4				
			White	Green
1.	Material Identification by FTIR	ASTM E 1252	Yarn	Yarn
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.366 0.422 0.4	0.365 0.422 0.38
3	Breaking Strength (N)	IS 9936:1992	25.8	26.4
Sample 5				
1.	Material Identification by FTIR	ASTM E 1252	PET	
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.281 0.286 0.282	
3	Breaking Strength (N)	IS 9936:1992	23.6	
Sample 6				
1.	Material Identification by FTIR	ASTM E 1252	PET	
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.281 0.286 0.282	
3	Breaking Strength (N)	IS 9936:1992	25.6	
Sample 7				
1.	Material Identification by FTIR	ASTM E 1252	PET	
2.	Thickness (mm) Min. Max. Average	IS 11320:1997	0.253 0.32 0.287	
3	Breaking Strength (N)	IS 9936:1992	23.7	
Sample 8				
1.	Material Identification by FTIR	ASTM E 1252	Nylon - 6	
2.	Thickness (mm) Min.	IS 11320:1997	0.309	

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

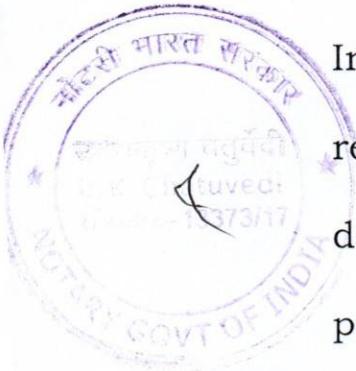
PART D

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

Authorized Signatory

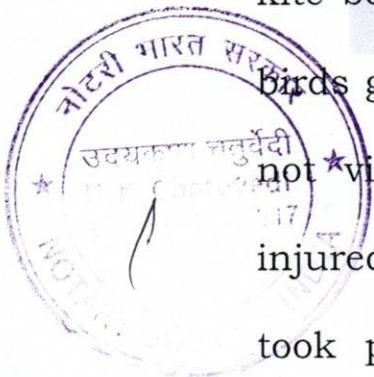
Authorized Signatory

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



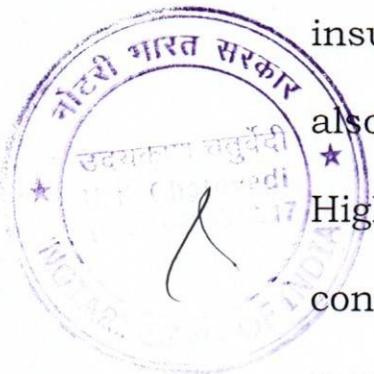
products nor placed on record any material to show that addition of additives in the product made of polymers make them bio-degradable. The intervener Yamuna Industries have also mentioned about a report of CIPET, Chennai dated 20th September, 2014 where in the sample was sent in July, 2014. It is not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

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



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

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



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

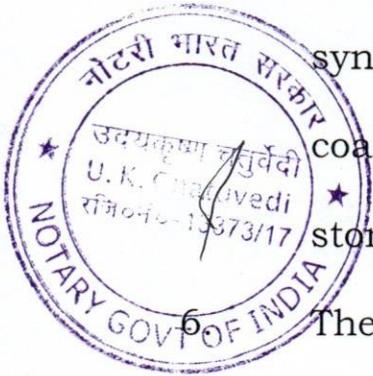
Looking to the deep rooted tradition of kite flying in our country which has also become part of our various festivals, the ill-effects of Chinese *manjha* had not only resulted in injuries to birds, animals and human beings, but number of fatal accidents have also increased in large number, and thus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

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

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

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

2. The State Governments are directed to prohibit the manufacture, sale, store, purchase and use of synthetic *Manjha/Nylon* thread and all other similar synthetic threads, used for kite flying.
3. All the Chief Secretaries/Administrators of the State Governments and Union Territories are directed to enforce the prohibition of manufacture and use of synthetic *manjha/nylon* thread for kite flying throughout their State/territories.
4. The respondents are directed to ban import of any synthetic *manjha/nylon* thread or other similar thread coated with synthetic substances, in any part of the country.
5. The Chief Secretaries/Administrators of all the States/Union Territories are further directed to send a copy of this order to all the district Collectors/District Magistrates and Superintendent of Police for its compliance in letter and spirit and to ensure that no synthetic *manjha/nylon* thread and also those which are coated with synthetic materials are purchased, sold, stored and used for kite flying within their area.



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

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

There shall be no order as to cost.

.....
Justice Swatanter Kumar
(Chairperson)

.....
Justice Raghuvendra S. Rathore
(Judicial Member)

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

New Delhi.

Dated: 11th July, 2017



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
PRINCIPAL BENCH , NEW DELHI**

**ANNEXURE NO. (3)
IN
SUPPLEMENTARY AFFIDAVIT
IN**

Original Application No.- 179 OF 2025

Shyamlata

..... Applicant.

Versus

Union Of India & Ors.

..... Respondent(s).

**True Copy of Hon'ble Delhi High Court in W.P (C) 10498
OF 2023 (Sandeep V. State of NCT of Delhi & Ors.) by
order dated 09.08.2023 by which Hon'ble High Court
directed the Govt. of NCT of Delhi to frame the
comprehensive policy for compensation in the matter of death
due to Chinese Manjha.**



22/11/2024



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10498/2023

SANDEEP

..... Petitioner

Through: Mr. Aman Khan, Advocate.
versus

STATE OF NATIONAL CAPITAL TERRITORY OF DELHI AND
ORS Respondents

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel for GNCTD with
Mr. Arun Panwar, Mr. Pradyumn
Rao, Mr. Ukarsh Singh, Mr. Kartik
Sharma, Ms. Prashansa Sharma,
Mr. Rishabh Srivastava, Advocates.
Mr. Anil Soni, CGSC, Mr. Devvrat
Yadav, Advocates.
Mr. Vijay, SI PS West, Delhi.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

09.08.2023

CM APPL. 40683/2023 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10498/2023

1. The instant writ petition has been filed with the following prayers:-

"1. Allow the present Writ Petition and pass an order directing Respondent No.1 to compensate the Petitioner a sum of Rs. 1,00,00,000/-;

2. Allow the present Writ Petition and direct the Respondents to take strict measures in respect to the ban on sell, purchase and usage of Chinese manjha.

3. Any other order/(s) as this Hon'ble Court may deem fit in the interest of justice and conscience."



W.P.(C) 10498/2023

Page 1 of 5

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 30/08/2025 at 21:50:17

रामलता



2. It is stated that Petitioner lost his daughter, who was travelling in a scooty and her neck was slit by a *Chinese Manjha*. It is stated that there are a number of orders passed by the GNCTD banning sale of *Chinese Manjha* and despite that, no effective and concrete steps have been taken. The Petitioner, therefore, is claiming compensation.
3. Issue notice.
4. Learned Counsels for the Respondents, accept notice.
5. Attention of this Court has been drawn towards the Order dated 05.08.2022 passed by this Court in W.P.(C) 11592/2022. The relevant portion of the said Order reads as under:-

“10. It has also been brought to the notice of this Court that in as many as 255 cases, action has been taken against the persons selling, making, storing & transporting the banned Chinese Maanjha from 01.01.2017 to 31.07.2022, and the said drive is still going on. 11. The Respondents have also brought to the notice of this Court an order dated 18.07.2022 issued by the ACP, Sub-Division – Mehrauli in exercise of powers under Section 144 of the Code of Criminal Procedure, 1973 in respect of imposing of ban on use of Chinese Maanjha. Copy of the order passed under Section 144 is reproduced as under:

“

ORDER

1. Kite flying has been a passionate spot in Delhi. For kites flying, various types of the threads, known as Manjha in common parlance, are used including ordinary manjha and special manjha.

2. Whereas, of late, a new type of 'Manjha' with metallic powder coating is available in the market. This type of „Manjha“ is not only very strong but also





a good conductor of electricity. Due to a fine metal coating, whenever such „Manjha“ entangles/ comes in contact with overhead electricity supply cables including high voltage lines, electric current runs through the manjha thread, resulting in danger of electrocution of the kite flyer or unsuspected passer-by and also causing disruption of the power supply system.

3. And whereas, it has been found that the threads with metallic powder coating, being used for kite flying are good conductors of electricity and are dangerous to electrical installation as well as to the persons using them as it may cause flash over the overhead transmission lines and electrocution of the individual. It has also been noticed that the threads coated with metallic powder or any other such chemical material, being used for kite flying, are causing injury, danger to human life as well as other living beings, for example birds, animals etc.

4. Whereas, balloon advertising, gliding, micro light flying etc. are also common and cheap source of advertisement and fun such that unidentified/identified /flying objects can be picked up by the Air Defense Guns which will be placed on various rooftops in area of this sub-division Mehrauli, Delhi on the occasion of Independence Day, Raksha Bandhan and Teej Festival

5. And whereas, it is necessary to take suitable security measures to prevent danger to the electrical installations, annoyance to the public, danger to human life and safety and the disturbance of the public tranquility.

6. Now, therefore, in exercise of the powers conferred upon me by Section 144 of the Code of Criminal Procedure, 1973 (No.2 of 1974) read with Govt. of India, Ministry of Home Affairs Notification No. F-



W.P.(C) 10498/2023

Page 3 of 5

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22/11/2021



11036/1/2008 (i)-UTL, dated 31.10.2008, I, VINOD NARANG, Assistant Commissioner of Police, Sub-Division Mehrauli, Delhi, do hereby order that no person shall store or sell or use the special 'Manjha' viz. metallic powder coated 'Manjha' in the entire jurisdiction of Sub-Division Mehrauli, Delhi.

This order shall come into force with effect from 18.07.2022 and shall remain in force for a period of 30 days i.e. up to 16.08.2022 (Both days inclusive) unless withdrawn earlier

8. Any person contravening this order shall be punishable under section 188 of the Indian Penal Code.

9. As this notice cannot be served individually on all concerned, the order is hereby passed ex-parte. It shall be published for information of public through Press and broadcast over all India Radio and by affixing copies on the Notices Boards of all Deputy Commissioners of Police, Assistant Commissioners of Police, Tehsil Officers of the Districts, all Police Stations concerned and the offices of the NDMC & MCD.

Sd/-
(VINOD NARANG)
Asstt. Commissioner of
Police Sub Division
Mehrauli, ND."

12. Learned Standing Counsel has stated before this Court that all the ACPs are also issuing similar orders in respect of area under their respective jurisdiction.

13. In the light of the aforesaid, no further orders are required to be passed in the present PIL. However, the State is directed to ensure strict compliance of the





order passed by the NGT as well as the earlier order passed by the Government on the subject.

14. The petition stands disposed of in the aforesaid terms. ”

6. A perusal of the abovementioned Order shows that there were as many as 255 cases as on 05.08.2022 where action has been taken against the persons selling, making, storing and transporting the banned Chinese Maanjha. The Order also shows that Orders have been passed under Section 144 of Cr.P.C directing that no person shall store or sell or use the special 'Manjha' viz. metallic powder coated 'Manjha' at various places. It is unfortunate that despite such Orders, *Chinese Manjhai* is being sold openly.
7. The Respondents are directed to file a reply and also a comprehensive Status Report regarding all the cases where action has been taken by the Respondents against persons manufacturing and selling *Chinese Manjha*.
8. The State Government is also directed to file a comprehensive policy for grant of compensation for people who have lost their life and limb by such accidents.
9. List on 16.01.2024.

SUBRAMONIUM PRASAD, J

AUGUST 9, 2023

hsk



W.P.(C) 10498/2023

Page 5 of 5

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श्यामलता

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
PRINCIPAL BENCH , NEW DELHI

ANNEXURE NO. (4)
IN
SUPPLEMENTARY AFFIDAVIT
IN

Original Application No.- 179 OF 2025

Shyamlatra Applicant.

Versus

Union Of India & Ors. Respondent(s).

True Copy of Public Information Officer(PIO) , Office of
Divisional Commissioner , Revenue Department , Relief
Branch , Delhi by reply dated 31.07.2025 .



श्यामला

**GOVERNMENT OF NCT OF DELHI
OFFICE OF DIVISIONAL COMMISSIONER
REVENUE DEPARTMENT: RELIEF BRANCH
5-SHAM NATH MARG, DELHI-54**

No. F.1(58)/Revenue (HQ)/Relief/J&K / 722
CD No. 087790234

Dated: 31.07.2025

To

Sh. Saurabh Tiwari,
R/o Ratnakar Vihar Colony, Samne Ghat,
Varansai, Chhittupur, BHU, UP-221005

Sub.- Reply of online RTI application (ID No. REVEN/8/2025/81775) u/s 6(3) of RTI Act, 2005 in r/o Mr./Ms. Saurabh Tiwari.

Sir/Ma'am,

Please find enclosed herewith reply of your RTI application (ID-REVEN/8/2025/81775) as below:

Sr. No.	Information Sought	Reply
1.	<p>1. Provide the copy of compre' ensive policy framed by the State Government for grant of compensation for people who have lost their life, limbs due to the Chinese Manjha.</p> <p>2. Provide the copy of the Policy/Rule framed by the State Government for grant of compensation to family members in case of death of the people due to the Chinese Manjha.</p> <p>3. Provide the copy of comprehensive policy framed in compliance of Hon'ble Delhi High Court Order dated 29.04.2024, passed in W.P.(C) 10498/2023 (Sandeep Vs. State of NCT of Delhi & Ors.) for grant of Compensation for people/family members who lost their life and limbs due to the Chinese Manjha.</p>	The Matter is under consideration.

If you are not satisfied with this information, you may appeal to the First Appellate Authority of this department within 30 days under RTI Act, 2005. The address of FAA is "Special CEO, DDMA, Office of the Divisional Commissioner, 5-Sham Nath Marg, Delhi-110054".

Encl.: As above



Yours faithfully,


31/07/25
APIO(HQ)/SO

22/11/2024