

ITEM NO.2 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).9677/2019

W. EDWIN WILLSON Appellant(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 34608/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-08-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Mr. Sanjay Upadhyay Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.
Ms. Purvat Wali Adv
Mr. Saumitra Jaiswal Adv
Mr. Salik Shafiq, Adv.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.

Ms. Aishwarya Bhati, ASG
Mr. Jai Anant Dehadrai, Adv
Mr. Sidharth Arora, Adv
Ms. Ashna Chhabra, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. D.O.Chidanand, Adv.
Ms. Suhashini Sen, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Amit Sharma, AOR

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

Being dissatisfied with the order of the National Green Tribunal by which the relief sought was not granted, the appellant has approached this Court by way of this Appeal. The grievance of the appellant is

the use of PVC and chlorinated plastics for banners/hoardings used during elections.

By observing that the Ministry of Environment, Forest and Climate Change as well as the Chief Election Commission have taken a view that the use of plastics during elections especially banners/hoardings should be avoided, the Tribunal directed appropriate steps to be taken for compliance of the directions issued by the MoEF on 17.01.2019 to the Chief Secretaries of all the States/Union Territories and the Chief Electoral Officers.

The immediate concern of the appellant at this stage is that it is necessary for the Ministry of Environment and Forests to issue certain directions under Section 5 of the Environment Protection Act, 1986 to ban the use of PVC and chlorinated plastics for advertisements during elections. The appellant is also of the view that the Election Commission should take pro-active steps in including this in the Model Code of Conduct and give suitable directions to all concerned.

Ms.Aishwarya Bhati, learned Additional Solicitor General submitted that a draft notification has been issued calling for objections from all stake holders for banning different categories of plastic including PVC, which are less than 100 microns.

Mr.Rakesh Dwivedi, learned Senior Counsel appearing for the Election Commission stated that it is

for the Government of India to make necessary amendments to the Act and there is nothing for the Election Commission to address at this stage.

We hope and trust that the Union of India will proceed to pass suitable orders and directions after finalizing the objections to the draft notification. The other issues that arise in this appeal shall be considered on the next date of hearing.

Rejoinder affidavit to be taken on record.
Interlocutory applications allowed.

List this matter after 8 weeks.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master