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Why ban plastic bag making, court asks Delhi

IANS By Indo Asian News Service | IANS India Private Limited – 21 hours ago

New Delhi, Dec 6 (IANS) The Delhi High Court Thursday asked the government to explain why it has banned manufacturing of plastic bags in the city.

"How can you impose a total ban on manufacturing? Unless you say plastic (bag) manufacturing industry in itself is hazardous, how can you ban plastic (bag) manufacturing," asked a division bench of Chief Justice D. Murugesan and Justice Rajiv Sahai Endlaw.

"Can you impose a total ban? What would be the effect on manufacturing industry if you ban it," the bench asked.

"Unless licences of these manufacturers are cancelled, how can they be banned to manufacture plastic carry bags?"

Hearing a plea filed by the All India Plastic Industries Association, the court asked whether any study was carried out before the ban.

The government told the court that if they (plastic bag manufacturers) do not have a market here - following the Nov 23 ban on use of these bags in the city - how could they manufacture the carry bags here.

The court said when plastic plates, bottles and spoons were allowed, why only carry bags were banned. "What study have you made? Plastic is plastic whether it is bags or bottles or spoons or plates," said court.

The petitioner moved the court challenging the Delhi government's notification of Oct 23 that imposed a blanket ban on plastic bags from Nov 23, under which no person could manufacture, import, store, sell or transport any kind of plastic bag.

Senior advocate Arvind Nigam, appearing for the plastic manufacturers, said the state government exceeded its jurisdiction while issuing the notification on plastic bag ban as only the central government was empowered to do so.

"The Delhi government in a fanatic pursuit to endorse its predetermined agenda of completely closing down the plastic bags industry in arbitrary and unreasonable manner, brushed aside the objections of the petitioner," he said.

The government defended the ban saying that under section 5 of the Environment (Protection) Act 1986, the lieutenant governor of the state could exercise the power of the central government for prohibition and registration of an industry.

"It is the responsibility of the state to protect the environment," the government said.

Nigam told the court that the ban would not end the environmental problems completely as packaged food products were still available in plastic covers.

Plastic bag manufacturers in the city urged the court to allow them to continue making the product for sale in areas outside Delhi.

From Nov 23, all kinds of plastic bags, even those used to cover magazines, books or invitation cards, were banned.

The ban also did not affect the use of plastic specified under the Biomedical Waste (Management and Handling) Rules, 1998.

Plastic covers used for packing food products such as milk, cooking oil and flour and plastic cups such as those used by tea vendors were not banned, the petition said.

The court would next hear the matter Dec 11.

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