

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS
&
THE HONOURABLE MR. JUSTICE GOPINATH P.

Tuesday, the 17th day of June 2025 / 27th Jyaishta, 1947
WP(C) NO. 7844 OF 2023(S)

SUO MOTU WRIT PETITION INITIATED BY THE HIGH COURT.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. KOCHI MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY,
PARK AVENUE ROAD, MARINE DRIVE, KOCHI - 682 011.
3. KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS
CHAIRMAN, HEAD OFFICE, PATTOM P.O., THIRUVANANTHAPURAM - 695
004.
4. THE DISTRICT COLLECTOR, DISTRICT COLLECTORATE, KAKKANAD,
ERNAKULAM- 682 030.
5. THE DIRECTOR GENERAL, KERALA FIRE AND RESCUE SERVICES,
HEADQUARTERS, FIRE FORCE JUNCTION, PULIMOODU P.O.,
THIRUVANANTHAPURAM - 695 001.
6. THE STATE POLICE CHIEF, KERALA POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, KERALA, INDIA - 695 010.

ADDL. R7 IMPEADED

7. THE ADDITIONAL CHIEF SECRETARY,*(CORRECTED)
LOCAL SELF GOVERNMENT DEPARTMENT,GOVERNMENT OF KERALA.

ADDL. R7 IS SUO MOTU IMPEADED AS PER ORDER
DATED 07/03/2023 IN WPC.

*THE NAME OF ADDL.R7 IS SUO MOTU CORRECTED AS
'THE PRINIPAL SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA.'

VIDE ORDER DATED 27/09/2024 IN WP(C) 7844/2023.

ADDL. R8 IMPEADED

8. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,
VYDUTHI BHAVAN, PATTOM-695 004.

ADDL. R8 IS SUO MOTU IMPEADED AS PER ORDER
DATED 10/03/2023 IN WPC.

ADDL. R9 IMPEADED

9. NATIONAL HIGHWAY AUTHORITY OF INDIA,
REPRESENTED BY ITS DEPUTY GENERAL MANAGER AND
REGIONAL OFFICER, NATIONAL HIGHWAYS AUTHORITY OF INDIA
(MINISTRY OF ROAD TRANSPORT & HIGHWAYS)
GOVERNMENT OF INDIA, REGIONAL OFFICE,
KERALA T.C. 86/1036-1, AMBLY ARCADE,
S.N.N.R.A-9, PETTAH-P.O.,
THIRUVANANTHAPURAM – 695 024 (KERALA)

ADDL. R9 IS SUO MOTU IMPEADED AS PER ORDER
DATED 18/08/2023 IN WPC.

ADDL. R10 IMPEADED

10. SOUTHERN RAILWAYS, REPRESENTED BY ITS GENERAL MANAGER,
CHENNAI, PIN - 600 209.
ADDL.R10 IS SUO MOTU IMPEADED AS PER ORDER
DATED 18/03/2024 IN WPC.

ADDL. R11 IMPEADED

11. THE MUNICIPAL CORPORATION OF THIRUVANANTHAPURAM,
CORPORATION OFFICE, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, KERALA, PIN - 695 033
REPRESENTED BY ITS SECRETARY.
ADDL. R11 IS SUO MOTU IMPEADED AS PER ORDER
DATED 15.07.2024 IN WP(C)

P.T.O.

This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 13/06/2025 and upon hearing the arguments of SRI.K. GOPALAKRISHNA KURUP, ADVOCATE GENERAL for R1, R4, R6 & R7, SRI.RANJITH THAMPAN, SENIOR ADVOCATE a/w SRI.K. JANARDHANA SHENOY, STANDING COUNSEL for R2, SRI.T. NAVEEN, STANDING COUNSEL for R3, SRI.C.E. UNNIKRISHNAN, SPECIAL GOVERNMENT PLEADER for R5, SRI.ANTONY MUKKATH, STANDING COUNSEL for Addl.R8, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.C.KRISHNA, SENIOR CENTRAL GOVERNMENT COUNSEL for Addl.R9 & Addl.R10, SRI.K.S.PRENJITH KUMAR, CENTRAL GOVERNMENT COUNSEL for Addl. R10, SRI.SUMAN CHAKRAVARTHI, Advocate for Addl. R11, SRI.VINU T.V, SRI.VISHNU.S & SMT.POOJA MENON, AMICI CURIAE and of Adv. SRI.MOHAMMED SHAH and SRI.C.L.ANTO(PARTY IN PERSON), the court passed the following:



P.T.0

“C.R.”

**BECHU KURIAN THOMAS, J.
&
GOPINATH P., J.**

W.P.(C) No.7844 of 2023

Dated this the 17th day of June, 2025

ORDER

Bechu Kurian Thomas, J.

Unregulated and irresponsible disposal of plastic waste has become a major cause for environmental pollution. Plastic being non-biodegradable, poses a serious threat to all life forms on earth. Though convenient and durable, extensive use of plastic has unleashed a veiled monster - plastic pollution. Sadly, post COVID-19 pandemic, we are witnessing an alarming increase in the use of plastics thereby endangering the environment even further. When plastic breaks down, it turns into harmful nodules of micro plastics which find their way into water bodies and are ultimately consumed by humans and animals. World over, the challenges in disposing of plastic waste has become a serious issue.

2. Despite being aware about its dangers, use of alternatives for plastic has not permeated into the human lifestyle. A part of it is, no doubt, due to lack of such alternatives and a part to the convenience that plastic

bring to our everyday life. However, our Constitution behoves each of us to conserve our environment for the future generation, a trust bestowed upon us. Hence, it is essential that, as a society, we try to minimise the use of plastic, wherever possible.

3. The prolific use of plastic, coupled with unscientific and irrational methods of its disposal are leading to serious health hazards. Article 47 of the Constitution of India, directs, as a policy of the State, to improve public health, while Article 48A provides that the State must endeavour to protect and improve the environment and wildlife of the country. Similarly it is a fundamental duty of every citizen under Article 51A(g) to protect the natural environment, forests, lakes, rivers and wildlife and also to have compassion for living creatures.

4. On 17-12-2019, the Government of Kerala had issued an order banning manufacture, storage, transport and sale of Single Use Plastics (SUP's) with effect from 01-01-2020. The Kerala State Pollution Control Board had also issued an order on 11-10-2018, banning single use plastics. Despite the above orders, the use of single use plastics have become so rampant and unchecked in all areas of the State including the hilly areas, where, due to the immense tourist footfall, disposal of plastic has become a serious health hazard.

5. On 24-01-2025, this Court expressed the need to prohibit single use plastics, at least in the hilly areas of the State to begin with, and a

report was directed to be filed. In the detailed report submitted on 10-02-2025 by the Special Secretary to the Local Self Government Department, a list of hilly areas have been identified and reported. One of the tables (Table - 02) in the report deals with the list of tourist destinations with high footfall. The said table is extracted below:

TABLE-02- List of hilly tourist destinations with high footfall

SI N o.	Hill Tourism Destinations	District	LSGI	Total overnig ht Tourist Visits in 2023
1	Munnar	Idukki	Munnar, Adimali, Mankulam, Pallivasal, Marayoor, Devikulam, Kanthaloor & Vattuvada	1707059
2	Thekkady	Idukki	Kumaly	762197
3	Vagamon	Idukki	Elapara	303066
4	Athirappally	Thrissur	Athirappally	111167
5	Chalakudy- Athirappally Sector	Thrissur	Athirappally	82788
6	Nelliampathy	Palakkad	Nelliampathy	50161
7	Pookode Lake-Vythiri	Wayanad	Vythiri	559036
8	Sulthan Batheri	Wayanad	Sulthan Batheri	109988
9	Karlad Lake	Wayanad	Thariode	77494
10	Ambalavayal, Wayanad Heritage Museum	Wayanad	Ambalavayal	57671

6. Similarly, the list of plastic items that can be banned in the hilly areas have also been provided, along with a list of alternatives which is extracted as below:

TABLE-02 - Additional list of items to be banned specifically in hilly areas and their non-plastic substitutes.

Sl. N o.	Item to be Banned	Available Alternative Products
1	Plastic water bottles (below 2L)	Water kiosks, stainless steel bottles, glass bottles, copper bottles
2	Use and throw plastic food containers and tumblers	Stainless steel containers, glass containers with metal lid, tin plate containers, ceramic containers, biodegradable containers such as sugar-cane bagasse disposable containers, areca palm containers
3	Compostable plastic products like cups, plates, bags	Utensils made of stainless steel, wood, clay, copper
4	Plastic Sachets, including Plastic material in any form including Vinyl Acetate – Maleic Acid – Vinyl Chloride Copolymer used for storing different items	Filling stations
5	Non-woven carry bags (of all thickness)	Cloth or paper bags
6	Laminated bakery boxes	Metal containers, composite materials made of paper board, glass bottle with metal cap
7	Soft drink bottles below 500 ml	Filling stations

7. Another area of significant concern is the unrestricted use of plastic water bottles in official functions and other functions like weddings held in the State. Each table during these functions is provided with small plastic water bottles. The quantity of plastic waste generated through these unrestricted distribution of plastic water bottles is alarming. Appropriate alternatives can be provided in the form of glass bottles or kiosks set up inside the halls for refills in glasses or glass bottles.

8. Further, unchecked plastic littering has become a menace. Water bodies are filled with plastics and no efforts have been taken by anyone to clear the water bodies of plastic waste. If every local authority starts regularly collecting the plastic waste that flows through or remains in the water bodies within their limits and dispose it properly, there could be a drastic reduction in the quantum of plastics that flow into the sea.

9. It is appropriate to observe that the High Court of Madras had, to contain further damage to the environment in the Nilgiris hills, issued an interim order on 29-05-2019, in **G. Subramania Kaushik v. the Principal Secretary to Government of Tamil Nadu** [WP No. 15120 of 2019]. The said Court prohibited sale of water in plastic bottles and other items in plastic wrappers. Similarly, the High Court of Meghalaya had also, on 16-08-2024 in **Phuyosa Yobin v. State of Meghalaya** observed that plastic items must be stopped at the entry level itself and regulatory measures to curb the use of plastic alone may not be helpful and strict prohibitory

measures and imposition of heavy fines on violators are the only solution to eradicate plastics from the society. To begin with, the High Court of Meghalaya directed banning of plastic bags in and around temple premises. We are also informed that many State Governments including Odisha, Puducherry and Haryana, have issued orders, banning single use plastics. The Government of Sikkim has also issued orders banning plastics.

10. Be that as it may, the State Governments have the power to regulate the use of plastics in their respective State by virtue of section 23 of Environment (Protection) Act, 1986 and the Plastic Waste Management Rules, 2016. The Government of Kerala had taken appropriate measures in exercise of the above said power. This is evident from the various orders issued by the Government to ban single use plastics in 27-11-2019 and subsequent clarificatory orders. Despite the above said steps taken by the Government, the issue with respect to plastic, especially single use plastics, is still rampant in Kerala.

11. In this context, it is also necessary to mention that in the year 2022, the Plastic Waste Management Rules 2016 was amended and the manufacture, import, stocking, sale and even use of as many as 19 single use plastic items like ear buds with plastic sticks, plastic flags, plastic sticks for balloons, plastic plates, cups, glasses, cutlery, straws etc have been totally banned with effect from 01-07-2022. The Rules also provide

for an Extended Producer Responsibility (for brevity 'EPR'), which mandates every producer, importer and brand owner who introduce any plastic packaging in the market to be responsible for its collection. Various other regulations and restrictions have also been brought out through the said Rules including responsibility upon the local authorities for management of the plastic waste generated and to ensure that no damage is caused to the environment. It is doubtful whether those provisions have even gained the attention of those responsible and a time has come to ensure that the Rules are implemented in its letter and spirit.

12. However, it needs to be noted that a learned single Judge of this Court had in **Nibu Kasim v. Union of India**, [2023 (1) KLT 359] held that inclusion of non-woven bags in the list of banned single used plastic items by Government Orders without regard to the GSM standards and in violation of the Plastic Waste Management Rules, 2016, was illegal and arbitrary. The Government Orders dated 27-11-2019, 17-12-2019 and also the Circular dated 27-01-2020 of the Kerala State Pollution Board were set aside to the extent they banned the manufacture, transportation, sale, and use of non-woven bags of 60 GSM and above.

13. In this background, it is necessary to take proactive steps to enforce the fundamental right of every person to a clean environment and the fundamental duty of all to protect and improve the natural environment. After giving our anxious consideration to the negative impact

of plastics on the environment, we are of the view that it is necessary to prohibit single use plastics, in the hilly areas of the State. Directions to restrict the use of plastics in all official functions and even in private gatherings like weddings etc., in hotels and auditoriums all over the State of Kerala are also felt necessary. Other directions are also essential, bearing in mind the fundamental right of every person to a pollution free environment. Keeping in mind the duties and rights enshrined in the Constitution to protect the environment, We deem it appropriate to issue the following directions:

(i) Use and sale of single use plastics including plastic food containers, plastic plates, plastic cups, plastic straws, plastic sachets, plastic bakery boxes are hereby banned in the hilly tourist areas of the State that are specified in the Table mentioned in paragraph 5 of this Order, (i.e: those hilly tourist destinations with high footfall). This ban shall not apply to 5 litre plastic water bottles and 2 litre plastic soft drinks bottles. Non-woven bags of 60 GSM and above which is the subject matter of an appeal against the judgment in Nibu Kasim case (supra), shall also be excluded, subject to the outcome of the writ appeal]

(ii) Use of plastic water bottles of capacity below five litres, plastic soft drink bottles of capacity less than 2 litres, plastic straws, plastic plates, plastic cups and plastic cutlery are hereby banned in all Official/Central/State Government functions to be conducted within the State of Kerala.

(iii) Use of plastic water bottles of capacity below five litres, plastic soft drink bottles of capacity less than 2 litres, plastic straws, plastic plates, plastic

cups and plastic cutlery are hereby banned in all wedding auditoriums, hotels, restaurants etc., in the entire State of Kerala. Prohibition of use of plastic water bottles of capacity less than 5 litres, plastic soft drink bottles less than 2 litres, plastic plates, plastic cutlery and single use plastic straws etc. at functions in hotels and auditoriums shall be made a part of the licence conditions issued to such establishments.

(iv) Sufficient water kiosks should be set up at different locations in hilly tourist areas to provide clean and safe drinking water. Alternative measures should be taken to make available for supply or purchase of water, through glass bottles or through kiosks or such other modes. Arrangements should be made by the District Administration and the Local Self Government Institutions to provide drinking water to tourists in hilly tourist destinations with high footfall at reasonable distances. Facilities like water dispensing machines, kiosks for sale of water in steel, copper or glass bottles can be resorted to, for the said purpose.

(v) Tourists shall be prevented from carrying single use plastics to hilly tourist areas. Tourists should be prompted to carry their own water bottles which are not made of single use plastics.

(vi) State and Local Self Government Authorities shall initiate appropriate steps to prevent dumping of plastic waste into the rivers, canals, backwaters etc and also initiate steps to regularly collect plastic waste that flows through the rivers, canals, backwaters etc within its jurisdiction. Voluntary organizations can also be requested to provide support in this endeavour.

(vii) Adequate public awareness and advertising campaigns should be resorted to, through the various fora to instill in the public the harmful effects of

use of single use plastics and encourage use of alternative methods. Visual media should be prompted and encouraged to show awareness videos on restricting the use of plastic, especially single use plastic and the ill effects of rampant dumping of plastic wastes. The print media should also be prompted to indulge in such campaigns.

(viii) The Rules relating to Extended Producer Responsibility in Rule 9 of the Plastic Waste Management Rules, 2016 and other provisions shall be implemented strictly.

(ix) These directions shall come into effect from 02-10-2025, within which period, the State Government should take adequate steps to implement the above directions.

(x) The Chief Secretary of Kerala and the Special Secretary to Local Self Government Department are hereby directed to coordinate the implementation of these directions, along with the Local Self Government Institutions, the Pollution Control Board and the State Police.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

Sd/-

**GOPINATH P.
JUDGE**

vps