

**Serial No.01**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

PIL No.7/2024

Date of Order: 21.11.2024

Phuyosa Yobin

Vs.

State of Meghalaya & anr

**Coram:**

**Hon'ble Mr. Justice I.P. Mukerji, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner

: In-person

For the Respondent

: Mrs. T. Yangi B., AAG with  
Mr. J.N. Rynjah, GA  
Mr. W.G.R. Mihsil, Adv vice  
Mr. Philemon Nongbri, Adv for R/2

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|-----|--|-----|
| i)  | Whether approved for reporting in Law journals etc.: | No  |
| ii) | Whether approved for publication in press:           | Yes |

**Note:** For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation urges this Court to pass orders for total ban of plastic in the State of Meghalaya.

While entertaining the writ on 16<sup>th</sup> August, 2024, this bench presided over by the then Chief Justice, inter alia, ordered the Government of Meghalaya to take steps to totally ban plastic items in the

State. We ascertain from the letter and spirit of the said order that till the time a substitute of plastic was found to serve the purposes which the plastic items are now fulfilling, regulatory measures should be taken by the government to curb the use of those products.

We have perused the affidavit affirmed by the Secretary to the Government of Meghalaya, Forest and Environment department on 30<sup>th</sup> September, 2024 indicating the action taken in compliance with the said order.

It appears from this report that the government has made a policy decision to effect plastic waste management and also taken some action to seize plastic containers and other materials.

The said order of this bench was passed three months ago.

Having considered the report of the government, we are of the view that some more time should be granted to them to fully implement the order.

Having said so, we are constrained to make the following observations:

(a) Plastic is derived from polythene, a polymethylene. Considering its properties it was used and still used for storing materials,

inexpensively securely and durably. It is widely used to make containers bags, bottles and other storage materials.

(b) Research and experience have shown that these plastic products have some very adverse impact on the eco-system and environment. Plastic waste cannot be easily recycled or safely destroyed. It causes waste management problems. It also affects the ecological balance and environment. Since plastic has a very long natural life, the dumping of plastic waste in public places, in water-bodies and elsewhere chokes the water-bodies, the drainage system and results in accumulation of garbage in public places.

(c) The government has evolved the general policy of banning the use of plastic materials with thickness less than 120 microns.

Till substitute or substitutes are evolved to take over completely the use of plastics in the market, the government is directed to follow the following policy:

(i) to issue administrative orders or cause to be made legislation or subordinate legislation effectively banning the manufacture marketing and use of plastic of less than 120 micron width;

(ii) to seize those materials less than 120 micron width from manufacturers, distributors and users;

(iii) to take effective steps so that plastic waste is properly managed within a short period of time and;

(iv) to make inspection of public places and recover these items and subject them to waste management.

The respondent No.2 is directed to file a second additional affidavit in this Court before the returnable date showing the action taken in terms of this order.

The order dated 16<sup>th</sup> August, 2024 is modified to the above extent.

List this PIL on 11<sup>th</sup> March, 2025.

**(W. Diengdoh)**  
**Judge**

**(I.P. Mukerji)**  
**Chief Justice**

Meghalaya  
21.11.2024  
*"Lam DR-PS"*