India's legal approach to plastic pollution has developed through court judgments, National Green Tribunal (NGT) orders and government regulations. These have addressed single-use plastics, plastic bags, waste disposal, recycling and the responsibility of manufacturers and local authorities.

An important distinction: India does not have a blanket ban on every type of plastic. The national prohibition applies to identified single-use plastic items, while other plastic products are regulated through the Plastic Waste Management Rules. Some states have introduced additional restrictions.

Here are important cases, explained through their background, decision and significance.

1. Tamil Nadu and Puducherry Paper Cup Manufacturers Association v. State of Tamil Nadu (2023)

Important Supreme Court judgment

Background: In 2018, Tamil Nadu introduced a ban on several single-use plastic products, including plastic-coated disposable cups and certain plastic bags. Manufacturers challenged the ban, arguing that it affected their businesses and that some products could be recycled or reused.

What the Supreme Court decided: On 20 October 2023, the Supreme Court upheld the ban on plastic-coated disposable paper cups. It observed that scientific evidence showed that the plastic coating made the cups difficult to degrade and recycle.

The Court also held that the State Government had the authority to impose such restrictions under Section 5 of the Environment (Protection) Act, 1986.

There was an important distinction concerning non-woven plastic bags: the Court directed the Tamil Nadu Pollution Control Board to reconsider their inclusion in the ban in light of the amended central rules. It did not uphold every aspect of the original ban in the same way.

API Sci+1

Why this judgment matters: It established that environmental protection can justify restrictions on certain commercial products, even when manufacturers argue that the restrictions affect their businesses.

3. Ankur Gutkha v. Indian Asthma Care Society (2010)

Background: The case involved the use of plastic packaging for gutkha, tobacco and pan masala sachets. The environmental concern was the accumulation of discarded plastic sachets.

What the Supreme Court directed: On 7 December 2010, the Supreme Court restrained manufacturers from using plastic material in sachets for gutkha, tobacco and pan masala, with the direction taking effect from 1 March 2011.

Why this judgment matters: It addressed plastic waste at the point of production and packaging, rather than focusing only on the disposal of waste after consumers had used the products.

Tobacco Control Laws+1

4. The national single-use plastic prohibition (2022)

This is a regulatory development rather than a court judgment, but it is essential to understand the present legal position.

The Ministry of Environment, Forest and Climate Change notified the Plastic Waste Management (Amendment) Rules, 2021, prohibiting identified single-use plastic products from 1 July 2022.

The prohibited products include:

- Plastic plates, cups and glasses.
- Plastic cutlery, including forks, spoons and knives.
- Plastic straws and stirrers.

- Plastic sticks used in earbuds and balloons.
- Plastic flags, candy sticks and ice-cream sticks.
- Certain packaging films and thermocol used for decoration.

Plastic carry bags below 120 microns have also been prohibited since 31 December 2022