



W.P.No.15120 of 2019
and WMP.Nos.15106 and 15112 of 2019

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WESTERN GHATS FOREST PROTECTION

BUY BACK SCHEME

WP.No.15120 of 2019
and WMP.Nos.15106 and 15112 of 2019

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by
D.BHARATHA CHAKRAVARTHY, J.)

Tamil Nadu State Marketing Corporation Limited, [TASMAC], a Government of Tamil Nadu undertaking has the exclusive privilege of procuring, supplying and retail vending, Indian Made Foreign Liquor and Foreign Liquor as per Section 17-C (1-A) of Tamil Nadu Prohibition Act, 1937. It sells out approximately about 1,50,00,000 liquor bottles per day. After consumption, these huge number of empty liquor bottles, have become one of the gravest environmental concern. A very high percentage of these bottles are not only irresponsibly discarded by the Alcoholics but are also



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aggressively broken. Thus, bottles and shards are found strewn all over the landscape of the State of Tamilnadu, omnipresent be it the agricultural fields, water bodies, forests, roads and road margins, drainages/sewers, parks, playgrounds and all public and private spaces.

2. Liquor Bottles compete equally with their contents, the liquor itself, in terms of ill effects. Repeated production results in fossil fuel consumption, decline of raw materials leading to CO² emissions. During the process of manufacture, CO² as the sole green house gas is released. Nitrogen Oxide emission also results in serious air pollution, resulting in SMOG etc. Glass, though made up of natural substances, does not decompose for centuries. They add tons of solid waste in the landfills. If the bottles are coated with enamels or other compounds, it results in release of cadmium, chromium etc. into the earth, which are extremely toxic to the environment. Shards pose imminent danger to the mighty elephant to the tiny worm, from farm workers in a remote village to the brethren involved in clearing garbage in big cities. It is an economical and logistical challenge to the government and the local



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bodies in collection, storing and disposing of the humongous quantity of the resultant solid waste. Thus, looking at from the human, animal, environmental or even economic angle, it is extremely crucial to re-use these bottles.

3. Considering the more serious nature of the issue in respect of hill areas, and the precautionary and polluter pays principle, this Court, by Order dated 25.04.2022, directed buy back of the empty liquor bottles as per the detailed directions given therein. Pursuing thereto, scheme has been implemented and from the report filed by TASMAC roughly about 70% of the bottles is being collected back from the consumers in the hill areas. The effect of the exercise is so visible and imminent in the said area.

4. Thereupon, applications have been made and this Court had conducted hearings on the scope of expansion of the said scheme and applying the said orders in the entire state of Tamil Nadu. The Amicus Curiae and the learned counsel appearing for the parties have given a detailed suggestions of implementing of Buy Back Scheme throughout the State of Tamilnadu.



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5. Today on behalf of the TASMAL, a detailed Report in response to the suggestions made is also submitted before this Court. For the said submission, the learned counsel for the Petitioner and the Amicus seek time to file a detailed reply. At this juncture, considering the grave ill-effects of these bottles being thrown all over the state including water bodies, agricultural fields, public places, drainage including storm water drainages in all public places, when suggestion was made from this Court that pending consideration of the detailed and comprehensive scheme, whether the Buy Back Scheme which is been successfully implemented in the Nilgiris and other hill areas, can also be implemented in some other districts as a Pilot project, the learned Additional Advocate General submitted that it can be considered in one district alone. However, considering that this scheme has to be implemented through out the State, we are of the considered view that it would be in fit that the scheme on trial/test basis can be implemented in one urban/large district and in one predominantly rural/smaller district. In that view of the matter, after deliberation, as suggestions across the Bar, two Districts namely, Coimbatore and Perambalur are chosen.



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6. Accordingly, the said Order of the court dated 25.04.2022, buying back the empty liquor bottles shall be implemented in these two Districts on a trial/test basis starting from 15th November 2022 for a period of two months. The directions given in the said earlier order is reproduced hereunder for ready reference:

“4. The modalities prescribed for the buy back scheme are reproduced hereunder:

(a) For every sale of liquor bottle in The Nilgiris District, an extra amount of Rs.10/- shall be collected from the consumer over and above the maximum retail price.

(b) The extra amount of Rs.10/- so collected shall be refunded to the consumer on production of empty liquor bottle.

(c) The TASMAC shops shall collect the empty liquor bottles which have been



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sold in any of the TASMAC shops in The Nilgiris District.

(d) A rubber stamp marking shall be fixed in the liquor bottles sold in the Nilgiris District, to identify the bottles.

(e) The Managing Director, TASMAC, shall make necessary arrangements for creating awareness in this regard, among the public and the tourists. In co-ordination with the District Administration, The Nilgiris District.”

7. The above directions may be read according by substituting Coimbatore or Perambalur as the case may in the place of Niligiris. The respondents are directed to file a status report after implementing the trial scheme. Post the matter on 24.01.2023. In the meanwhile the learned counsel/Amicus shall also file their response to the status report filed by the TASMAC in respect of the implementation of the comprehensive scheme. It is made clear that the above two Districts are chosen only as a test/trial basis



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8. Call on 24/01/2023

(N.S.K.,J.) (D.B.C.,J.)
11.10.2022

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