



# WEST BENGAL HUMAN RIGHTS COMMISSION

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Ref. No. 1446/WBHRC/COM/1491/16-17

Date: 13.12.17

Recommendation No 02 & 03/17-18/WBHRC/1491/COM/2016-17

From: Shri Laima Chozah IAS,  
Secretary & CEO.

To: The Chief Secretary  
Government of West Bengal  
**NABANNA**  
325, Sarat Chatterjee Road  
Mandirtala, P.O.- Shibpur,  
Howrah-711102

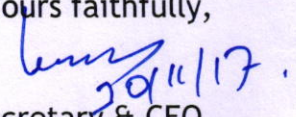
Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 15.11.2017 in connection with a News-item dated 17.01.2017 published in the ANANDA BAZAR PATRIKA made by the West Bengal Human Rights Commission alongwith the enclosures for taking necessary action. The recommendations are self-explanatory.

Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within four months.

Enclosures: As stated above.

Yours faithfully,

  
Secretary & CEO.

a/c

WEST BENGAL HUMAN RIGHTS COMMISSION

Purta Bhavan, 2<sup>nd</sup> Floor, Salt Lake, Kolkata – 700 091.

File No. <sup>1491</sup> ~~381~~ /WBHRC/COM/2016-17

Present

1. Justice Girish Chandra Gupta
2. Shri Naparajit Mukherjee
3. Shri M. S. Dwivedy

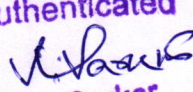
Chairperson

Member

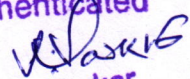
Member

Suo Motu cognizance was taken by the Commission on 18<sup>th</sup> January, 2017 of an accident reported by Ananda Bazar Patrika dated 17<sup>th</sup> January, 2017 under the caption ‘বাইকটা জোরে চালালে হয়তো মারাই যেতাম’ What had happened was that Shri Souparno Das, son of Shri Debasish Das, aged about 19 years, residing at 6, Gadhahar Mistri 2<sup>nd</sup> Bye Lane, Howrah-711104 was driving a motor cycle. He suddenly felt irritation in his throat which aggravated when he touched his throat. His hand started bleeding. He could realize that his throat had been injured by a thread. He himself wrote the news item which was published in the Ananda Bazar Patrika.

2. Investigating Wing of the Commission was directed to probe the matter.
3. A report dated 22.03.2017 was filed by the Investigation Wing of the Commission from which, it appeared the offending thread commonly known as Chinese Manja had come up for consideration vide Original Application No. 384 of 2016 (Khalid Ashrap & Anr. Vs. Union of India & Ors) before the National Green Tribunal.
4. Subsequent enquiry into the matter revealed that on 14<sup>th</sup> Decmber, 2016, following interim order was passed by the National Green Tribunal, Principal Bench, New Delhi, in original Application No. 384 of 2016

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 N. C. Sarkar  
 Assistant Secretary  
 W.B. Human Rights Commission

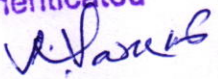
- i. "That there shall be a total ban on the Manjha or thread for kite flying which is made of nylon or any synthetic material and/or is coated with synthetic substance and is non-biodegradable.
- ii. The State Governments are directed to prohibit the manufacture, sale, store, purchase and use of synthetic Manjha/Nylon thread and all other similar synthetic threads, used for kite flying.
- iii. All the Chief Secretaries/Administrator of the State Governments and Union Territories are directed to enforce the prohibition of manufacture and use of synthetic manjha/nylon thread for kite flying throughout their State/territories.
- iv. The respondents are directed to ban import of any synthetic manjha/nylon thread or other similar thread coated with synthetic substances, in any part of the country.
- v. The Chief Secretaries/Administrators of all the States/Union Territories are further directed to send a copy of this order to all the district Collectors/District Magistrates and Superintendent of Police for its compliance in letter and spirit and to ensure that no synthetic manjha/nylon thread and also those which are coated with synthetic materials are purchased, sold, stored and used for kite flying within their area.
- vi. The State Governments/Union Territories/Chief Secretaries/District Collectors are directed that in case of violation of any of the directions given in this Judgment, appropriate steps be taken against the defaulters under the provision of Environment(Protection) Act, 1986; Prevention of Cruelty of Animal Act, 1960;

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Wildlife (Protection) Act, 1972 the Indian Penal Code or any other provision of law.”

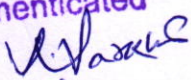
5. The order dated 14.12.2016 was unsuccessfully challenged before the Supreme Court. By an order dated 02.01.2017 the Apex Court refused to stay the order passed by the National Green Tribunal.
6. While the Commission was awaiting for the final outcome of the Original Application No. 384 of 2016 pending before the National Green Tribunal another incident was reported by the Ananda Bazar Patrika on 25.09.2017. This time Shri Debangshu Chattopadhyay, a Traffic Sergeant was injured in the Parama island area by the same type of manjha. A portion of his cheek was seriously affected which required immediate surgery.
7. The Commission took cognizance of the matter by its order dated 25.09.2017 and passed the following order :-

“Another incident arising out of Chinese Manjha has been reported by Ananda Bazar Patrika dated 25/9/17. The Ld. Registrar is directed to ascertain the final outcome, if any, of O.A. 384 of 2016 and O.A. 442 of 2016 which were pending before the National Green Tribunal, Principal Bench, New Delhi, by 15<sup>th</sup> October, 2017”.
8. Ld. Registrar of the Commission after extensive search found that the original application No. 384 of 2016 has been disposed of by the National Green Tribunal, Principal Bench, New Delhi, by a Judgment order dated 11.07.2017. State of West Bengal through its Chief Secretary was also a party to the aforesaid proceedings but does not appear to have been represented.
9. On 11<sup>th</sup> July, 2017 after hearing, almost all the States of the country, considering various judgments passed by various High Courts of the country and various orders issued by various States the Learned Tribunal arrived at a conclusion that the manjha commonly known as Chinese

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Manjha is harmful for birds/animals and human beings. It also poses a threat to the environment. It can also act as a conductor of electricity resulting in electrocution of anyone who may accidentally come in its contract. The Learned National Green Tribunal expressed the following views:

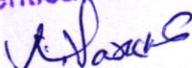
“From the aforesaid, it can be summarized that kite flying with dor/manjha has been a sport, past time, recreation in our country, since time immemorial. Earlier the manjha was made of cotton. When competition started in this sport by kite fighters where two parties were to compete as who could have the kite of other fall to the ground by breaking of its manjha that there was a change in the nature of manjha so as to make it strong enough for the purpose of competition. Therefore a change came about when the dor/manja was made stronger by coating it with gum, boiled rice. This resulted in some injuries to birds and on the finger of the persons flying kite because of its sharp nature. Some times when the birds got brushed with manjha in the air, as the same is not visible after gaining height in the sky, they got injured. However, subsequently further development took place and the kite fighters started using other materials like glass powder, iron powder etc. so as to make it strong and sharp to succeed in kite fighting competition which are held in many cities of the country. As a matter of fact many such competitions are being held in different cities during various parts of the year, but the ill-effect of such manjha is that it is not only sharp enough to cut the manjha of the other kite, but even cut the skin of birds/animals and human beings. Later on the manjha was being made of synthetic material/yarn, in place of cotton and with coating of material which not only cut the skin of animals and

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human beings, but also a good conductor of electricity resulting in many accidents from High tension Lines.

The menace of manjha, which in common parlance is being called as Chinese manja, had been felt since quite some time. Such manjha not only created problem for birds animals and human beings, but damages the environment as well. Since recent past Chinese manjha or manjha made of a coating by synthetic material has become a matter of great concern for everyone. Steps were taken by some Governments, but the same was insufficient and lacked implementation. The matter was also taken up by the judiciary when some of the Hon'ble High Courts of the States issued direction to the concerning State Government to ban such type of manjhas. When Chinese manjha and its ill-effects on the public at large had reached to a tremendous heights that the Original Applications came to be filed before the Tribunal. Apart from the adverse effect of Chinese manjha which was being directly faced by people, its non-degradable nature adversely affected the environment, because large quantity of manjha was found scattered at every place which ultimately resulting in choking of the drains. The earlier manjha which was made of cotton is eco-friendly as by its nature it was degradable.

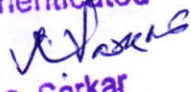
Looking to the deep rooted tradition of kite flying in our country which has also become part of our various festivals, the ill-effects of Chinese manjha had not only resulted in injuries to birds, animals and human being, but number of fatal accidents have also increased in large number, and thus interference is called for by this Tribunal. It is only the manjha which is made of synthetic yarn and coated

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Assistant Secretary  
W.B. Human Rights Commission

with synthetic material which is non-degradable and create menace for all. The traditional manjha which is made of cotton yarn and if it is coated, the same is with degradable materials. Such type of manjha being degradable it does not cause any environmental damage”.

Therefore, we allow these Original Applications and issue following directions:-

- I. That there shall be a total ban on the Manjha or thread for kite flying which is made of nylon or any synthetic material and/or is coated with synthetic substance and is non-biodegradable.
- II. The State Governments are directed to prohibit the manufacture, sale, purchase and use of synthetic Manjha/Nylon thread and all other similar synthetic threads, used for kite flying.
- III. All the Chief Secretaries/Administrators of the State Government and Union Territories are directed to enforce the prohibition of manufacture and use of synthetic manjha/nylon thread for kite flying throughout their State/Territories.
- IV. The respondents are directed to ban import of any synthetic manjha/nylon thread or other similar thread coated with synthetic substances, in any part of the country.
- V. The Chief Secretaries/Administrators of all the States/Union Territories are further directed to send a copy of this order to all the district Collectors/District Magistrates and Superintendent of Police for its compliance in letter and spirit and to ensure that no synthetic manjha/nylon thread and also those which are coated with synthetic materials are purchased, sold, stored and used for kite flying within their area.
- VI. The State Governments/Union Territories/Chief Secretaries/District Collectors are directed that in case of violation of any of the directions given in this Judgment, appropriate steps be taken against the defaulters under the provision of

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Environment(Protection) Act, 1986; Prevention of Cruelty of Animal Act, 1960; Wildlife (Protection) Act, 1972, the Indian Penal Code or any other provision of law.

There shall be no order as to cost.

10. The matter was thereafter discussed in the Full Bench of the Commission and the following recommendations are made

A. The direction issued by the National Green Tribunal should at once be implemented ;

B. Medical expenses which may have been incurred by Shri Souparno Das and Shri Debangshu Chattopadhyay be reimbursed within 2(two) months.

11. Principal Secretary, WBSHRC is directed to communicate the recommendations to the Chief Secretary, Govt. of West Bengal and he is requested to communicate an action taken report on the above recommendations to this Commission within a period of 4(Four) months.

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N. C. Sarker  
Assistant Secretary  
W.B. Human Rights Commission

(Justice Girish Chandra Gupta)  
Chairperson

(Naparajit Mukherjee)  
Member

(M. S. Dwivedy)  
Member

Dated, 15<sup>th</sup> November, 2017

- Encl:1. News Item Dt. 17.01.2017  
2. News Item Dt. 25.09.2017  
3. copy of the report dated 22.03.2017  
4. A copy of the Judgment dt. 11.07.2017 delivered by the Learned National Green Tribunal.

1. Ld. Registrar, WBHRC is directed to upload the recommendation in the website.
2. Copy of the recommendation be sent to the Petition/Victim.