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Regulatory Regime for Waste Management: A Study with Special Reference to India

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ABSTRACT

“Refuse what you do not need; Reuse what you consume; Recycle what you cannot refuse, reduce, or reuse; and rot (compost) the rest. - Bea Johnson

Generation of waste is one of the outcome of a progressive society and an unavoidable result of the industrial progress. India experiences significant challenges with respect to the environment and human health due to the issues relating to the production of waste, the process associated with its collection, segregation, transport of the wastes to a proper location, appropriate treatment, and finally, proper disposal. It cannot be denied that India faces major problems with waste management. A lot of waste is generated every day, and most of it is not effectively managed. And this leads to serious environmental issues and impacts public health. A full-bodied system of management setup is very necessary to ensure that development and sustainability should go hand in hand. In India, waste management is governed by the Ministry of Environment Forest and Climate Change (MoEF), together with State Pollution Control Board and Central Pollution Control Board. Certain specific laws are also present to regulate waste in India. The National Environment Policy 2006 is significant in this, emphasising not only on disposal of waste but also recycling and treating it. A proper balance between economic growth and Environment protection is to be maintained along with the current practices related to the various waste management initiatives for environmental protection and human well-being.

Keywords: *Waste, Environment, Disposal, Sustainable, Pollution.*

I. INTRODUCTION

We, the human beings, depend on many things from our environment to satisfy our various needs, and in this process of development we generate or produce a lot of things and simply discard them. The leftover of these things which are of no use and are unwanted defective, old or worthless and often thrown in the dustbin are called waste. Since wastes are unwanted and unusable materials, which are majorly discarded after primary use may come in various different forms, the sources of which include :

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- Domestic waste
- Industrial waste
- Biomedical waste
- Agriculture waste
- Animal waste
- Nuclear waste
- Mineral waste.

According to the kind of waste it can be classified into three categories like solid waste including those that can be easily seen and generated from a lot of activities like construction, industries, mining, and domestic use. Waste water from our houses and the liquid chemical effluents from various industries are liquid wastes. And the poisonous gas includes gaseous wastes. On the basis of moisture present in the waste it is classified into 'wet' waste and 'dry' waste. According to their effect on human life, health and environment waste can be classified as hazardous and non hazardous.

According to their properties as biodegradable that means the waste that are organic and can be easily broken down by the action of microorganism overtime and non biodegradable which can't be broken down by micro organism and remains in the earth for years until we properly manage them.

To define waste we can say that it is a substance which is discarded and unwanted after its primary use. So once an object which was useful, after its use, we try to get rid of it and finally it is transformed into trash. Waste is generated by us during our daily activities and by the industries; progress of economy by industrial growth and rise in the standard of living results in an inevitable generation of waste." What constitute waste depends on the eye of the beholder; one person's waste can be a resource for another person; though waste is a physical object it's generation is a physical and psychological process psychological"² i.e. Scientifically speaking, there is nothing called waste in this world. Almost all the components of solid waste have some potential if it is converted or treated in a scientific manner.

II. DISPOSAL OF WASTE

In common parlance anything that is unwanted or not useful is considered as garbage or waste. The inevitable outcome of population explosion along with advanced lifestyle of the people

² Doran, Assa (2018). *Waste of a Nation: Garbage and Growth In India*. Harvard University Press

nowadays is generation of wastes. People are adopting the concept of 'use and throw' and putting the waste out of sight is the only practice followed by majority to get rid of these trash and is known as disposal of the waste. The consequences of this practice is an open invitation to several health issues, environmental pollution, unpleasant and gloomy surroundings, loss of precious resources that could be obtained from the waste which has been disposed of are noticeable. Therefore a need is felt for managing these wastes all over the world.

III. WASTE MANAGEMENT

The process which involves the generation of wastes up to its proper disposal is called waste management. In this phenomenon waste undergo a series of processes, starting from creation of waste, followed by its collection, and then segregating the waste based on its nature, after that transporting the segregated waste to its proper location which is again followed by proper treatment based on the characteristics of the waste and finally disposal or complete removal of the waste. The entire process of waste management has been a matter of serious concern globally with an increasing urban population and its impact on environment and human health. India faces major environmental challenges associated with the concept of management of this trash. To prevent the generation of waste, first of all, we should 'Re think' whether we really need that particular thing or not. We should 'refuse' the use of a thing which is toxic to our environment. Focus should be on 'reduction' in waste generation and 'reuse' something again and again if possible without disposing it off after its single use. 'Recycling' and 're processing' of unwanted materials into new useful products should be taken care of which can be done by conducting 'research' in order to develop new innovative ways to reuse the unwanted materials.

In India waste management is governed by Ministry of Environment Forest and Climate Change (MoEF) which work together with Central Pollution Control Board (CPCB) and State Pollution Control Board (SPCB). Certain laws are also present which helps in the regulation of waste in India. The National Environment Policy, 2006 emphasizes not only on disposal of waste but also recycling and treating the waste. The policies states about India's commitment to making a positive contribution to International efforts mandated in Article 48 A and 51 A(g) along with Article 21 of the Indian Constitution for a clean and safe environment which can be achieved by the mutual cooperation between states and their citizens³. The National Green Tribunal (NGT) was established in 2010 for the effective and expeditious disposal of cases relating to damage to environment, providing relief and enforcement of any legal right and compensation for damage to person and property.

³ <https://ibkb.dbtindia.gov.in>: last accessed on 23/11/2022

IV. LAWS ON WASTE MANAGEMENT IN INDIA

(A) **The Environment Protection Act** was enforced in 1986 for the protection and improvement of environment. The Act confers powers to the Central Government to regulate all forms of wastes. Section 7 of this Act puts a prohibition stating that no person carrying any activity should emit or discharge environmental pollutants in excess of the prescribed standards which might cause harm to the environment. Section 9 of the said Act embodies the 'Polluter Pays Principle' where the person polluting the environment has the responsibility to pay for the expenses incurred to restore the environment to its natural state. The rules framed under this Act mandates industrial units and corporate to act in a responsible manner to protect environment and the manner of dealing with waste generation. The government has also formulated Environment protection Rules, 1986 under the power conferred to them by the Environment Protection Act, which constitutes umbrella legislation for analyzing and implementing long-term requirements and to frame a system of speedy response to conditions threatening the environment. Any case of non compliance of the Act will be punishable with imprisonment or fine or with both.

(B) **The Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016**

According to this Rule 'hazardous waste' means, any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive causes danger or is likely to cause danger to health or environment whether alone or in contact with other wastes⁴. The wastes which are toxic and harmful and have the potential to adversely affect the human health or the environment is considered as hazardous wastes. So if these wastes are not managed properly it might lead to fatal consequences like mortality, negative impact on reproduction, causing cancer, deformities genetic mutation, also indirectly affecting the ecosystem. Therefore, these wastes require sophisticated and specialised treatment due to the presence of a mixture of chemicals and substances which are generated during the production and consumption process and increases in the demand of the consumer goods. Due to economic and technical constraints it is seen that many small and medium enterprises use outdated or old and obsolete technologies where resource conversion is not optimum, which results in huge amount of generation of toxic and hazardous waste.⁵ Also the treatment of waste water streams

⁴ Michael D.L.,Buchingham,P.L. & Evans,J.C., The environmental hazard management group-hazardous waste management,(1994)

⁵ npcindia.gov.in : last accessed on 24.11.2022

and gaseous emissions to meet the standards result into residues that contain hazardous constituents. The legal regime constituted under the said rule focuses on:

- a. The occupier (the person who is in charge of a plant or unit or factory producing hazardous waste as a result of their operation) is responsible for management of hazardous waste which includes its prevention, minimization, reuse, recycle, recovery and safe disposal.
- b. State government to monitor the sound management of hazardous wastes in an environment friendly manner.
- c. Treatment, storage, disposal facility of the waste along with the packaging, labelling and transport are to be properly taken care of.
- d. Occupier of a factory to require authorisation from State Pollution Control Board and be made responsible for safe handling of hazardous waste generated within the establishment or factory.
- e. Approval from Central government on import of waste for recycling and treatment is required.

(C) Solid Waste Management and Handling Rules, 2016

The growing volume of solid waste generated by communities is a concern for public health officials. Solid waste results from various sources like animal wastes, Hazardous wastes, Industrial wastes, medical wastes, food wastes, mineral wastes, etc. Urban solid wastes include household garbage and rubbish, Street sweeping, construction and demolition debris, sanitation residues, trade and industrial refuse and biomedical solid waste⁶. At the first instance the major focus of the Solid Waste Management Rules, 2016, denotes the segregation of these wastes at source into streams like biodegradable, dry and domestic hazardous waste before transferring it to the collector of these wastes. Where the biodegradable wastes are segregated a system is to be set up to ensure that the biodegradable waste are utilised for composting or biomethanation. The rest of the solid wastes are to be separated and recyclable material should be handed over to authorised waste pickers and recyclers or to the urban local body. According to this rule the generator of the waste will have to pay 'user fee' to the waste collector and a 'spot fine' for littering and non segregation, the amount of which will be decided by the local bodies. The Rules also emphasizes zero tolerance for throwing, burning or burying the solid waste generated on streets, open public spaces outside generator's premises, or in open drain or water bodies. A

⁶ CPCB, Central Pollution Control Board – Status of solid waste generation, collection, treatment and disposal in class II Towns, Ministry of Environment and Forests, New Delhi, (2000)

new concept has been inserted in this Rule which is known as 'Extended Producer Responsibility'. This concept states that responsibility is to be imposed on producers to ensure environmentally and sound management of waste, generated by them, so as to protect the human health and environment against any adverse effect which may result from such waste. This may include creation of take back programmes, designing product which can be re cycled and reused, arranging waste collection procedure, etc.

(D) The Biomedical Waste Management Rules, 2016

Biomedical Waste comprises of human and animal anatomical waste generated during diagnosis, treatment or immunization in hospitals, nursing homes, pathological laboratories, and blood banks etc, which are highly infectious and can cause serious danger to human life. This can be in the form of blood, unwanted microbiological cultures, treatment apparatus like needles, syringes and other materials used in Healthcare facilities in the process of treatment and research. The biomedical waste rules prohibit mixing of biological wastes with any other type of wastes. The management of Biomedical Waste includes proper labelling of bins (like yellow, red, black, white and blue) where wastes are to be collected and segregated based on their nature and finally scientific disposal of the same after proper treatment such as incineration or non incineration in an environmentally sound manner minimizing the adverse impact on health workers and on the environment. It is desirable that the places of Biomedical Waste generation should be equipped with biomedical waste treatment and disposal facilities.

(E) The Plastic Waste Management Rules, 2016

This Rule give thrust on minimization of plastic waste, segregating the waste from its source, recycling the same involving waste pickers, recyclers and waste processors in collecting the plastic waste from households or any other sources. The rule also include producers' and generators' obligations in the plastic waste management system and to implement collect back mechanism for plastic garbage by producers or brand owners as 'extended producer responsibility'. The minimum thickness of plastic carry bag has been increased from 40 to 50 microns and plastic sheets to 50 microns for its easy collection. The manufacturer of plastic carry bags, multilayered pouches and sachets and every recycler have to take registration with State Pollution Control Board which will be valid for a period of 3 years.

(F) The Batteries (Management and Handling) Rules, 2001

Being a part of the ever advancing society and to make our work quick and easy we are in the habit of using portable power consuming products in our daily life , which includes television remotes, laptops, computers, cellular phones, cameras and other electronic appliances. The

batteries which we use contain toxic and corrosive metals such as Mercury, Lead, Cadmium, sulphuric acid, Lithium Perchlorate, etc. which can be harmful to both the environment as well as to human health when disposed of in an improper manner. The central government viewed the disposal of battery waste as more important than battery production therefore the Ministry of Environment and Forest(MoEF) notified the rules to regulate the collection and recycling of all the used lead- acid batteries in India as Batteries (Management and Handling) Rules, 2001. The disposal of battery waste shouldn't be treated as regular trash rather because of the presence of heavy and toxic chemicals it may lead to soil pollution if dumped in landfills or may cause water pollution if directly thrown into water bodies.

(G)The E-waste (Management) Rules, 2016

The electronic products nearing the end of their useful life when become useless to us is considered as e-waste or electronic waste. The said rules have been framed with the objective of channelizing the e-waste generated in the country towards authorised dismantlers and recyclers in order to formalise the e-waste recycling sector. The collection targets under the provision of Extended Producer Responsibility (EPR) in the rules have been revised and targets have been introduced for new producers who have started their sales operations recently. The main objective of this Rule is to put in a place a system which manages electronic waste in an eco -friendly way and regulating the issue of recycling and proper disposal of the same.

V. CONCLUSION

Apart from framing laws India has adopted a lot of best practices in waste management at individual level, community level and Governmental level. A proper balance between economic progress and environmental protection can only be achieved by adopting the concept of sustainable development for a country like India with its ever increasing industrial activities. The problem of waste management is one of the biggest problems our country is facing. To address this grave issue there are some top waste management companies in India providing their utmost services to tackle this problem. The laws relating to waste management indicates towards collection, segregation, transportation, treatment and finally proper disposal but whether it is implemented successfully or not is a matter of serious concern and should be pondered about. The causes of improper waste management should be analysed properly and thrust should be given on adequate solution. Apart from participation by various stakeholders in this waste management process, sensitization of the common people is also essential to achieve a clean and green healthy society both economically and environmentally. The need of the hour is to give priority on moving from reliance on waste dumps that offer no environmental

protection to waste management system that retain useful resources within the country providing waste-to- energy facilities.
