



LEGAL FRAMEWORK FOR MUNICIPAL SOLID WASTE MANAGEMENT IN INDIA AND THE ROLE OF JUDICIARY IN PROMOTING POLICY OF MSW IN INDIA

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ABSTRACT

This paper discusses the legal framework for management of municipal solid waste, role of judiciary for the promotion of policies which can help in environment protection, and also help in effective management of municipal solid waste. Role of Indian judiciary has been discussed with the help of some cases or petitions filed related to the environmental problems and the rules issued by the Supreme court from time to time for the waste management such as; e-waste, water pollution, battery rules etc. Researcher has also discussed the laws related to the new technologies for management of solid waste.

KEYWORDS: Legal system, Judiciary role, India, Solid waste management, E-waste, Pollution and Air pollution.

INTRODUCTION

Ministry of Environment and Forests issued the rules for municipal solid waste management in the year 1999 known as Municipal Solid Waste Management Rules (1999)*. These rules are applicable on the municipal authorities who collect, receive, store, transport, recycle or dispose of the solid waste. Municipal solid waste includes the waste both the commercial or industrial waste and the domestic waste or the residential waste which is generated in a particular area and in the form of solid or semi-solid. Municipal waste does not include the hazardous waste of industries, but it includes the bio-medical waste which is treated at the occupiers' place. It is the responsibility of the municipal authority to implement the municipal solid waste management rules in their areas, develop the infrastructure required for the handling and management of the

* Municipal Solid Waste (Management and Handling) Rules, 2000 <http://www.moef.nic.in/legis/hsm/mswmhr.html>

solid waste collected, stored, transported, treated or disposed. Municipal authority need to get the authorization from the state pollution control board for setting any facility related to the waste processing or disposal which includes the sanitary landfills. All the municipal authority is required to furnish their annual reports to the District magistrate, or the secretary of the Department of Urban Development along with the state board of pollution control. It is the responsibility of the District magistrate to enforce the rules in the state. Central and state pollution control boards mainly perform the monitoring function. These boards monitor the compliances related to various standards set up for the quality of the compost, ground water, leachate quality and the incineration. State boards of pollution control have the power to authorize a municipal body for setting up of solid waste processing facility or the disposal facility.

LEGAL FRAMEWORK FOR WASTE MANAGEMENT IN INDIA

This section discusses all the rules or laws acted upon by the government for the management of any types of waste which can cause harm to the environment and the people of the nation. Government has taken various actions and passed several rules or laws as per the need of the hour to protect the mankind and the environment. This section mainly covers the laws which have been passed for waste management.

HAZARDOUS WASTE MANAGEMENT (1989)[†]

Ministry of environment and forest passed rules in the year 1989 for the management of the hazardous waste. The purpose of these rules were to reduce the harm to environment due to the hazardous waste such as; waste water, waste from the ship operations, radioactive wastes, and the exhaust gases etc. Thus, keeping in view the concept of environment protection Ministry of environment and forest has passed special rules for the handling and management of the hazardous waste under the Environment Protection Act, 1986. These rules specifically defined the meaning of hazardous waste and the responsibility of the operator of the facility for reception, treatment, storage, transportation and the disposal of the hazardous waste. According to these rules, it is the responsibility of the hazardous waste generator to collect, receives, treat and dispose the hazardous waste by him or through operators. The operator of this facility has to take authorization from the state pollution boards for handling and managing the hazardous waste. Labelling and packaging of the hazardous waste should be as per the norms and the climate conditions should be provided as per the nature of the hazardous wastes. During transportation of the hazardous waste, operators need to follow the Motor Vehicles Act, 1988 of Central government. It is the responsibility of the state government for conducting environment impact

[†] Hazardous Waste (Management and Handling) Rules in 1989 <http://envfor.nic.in/legis/hsm/hsm1.html> [Online]

study while allocating land for the waste disposal. It is the responsibility of the state government to make an inventory of the sites where the hazardous waste was stored, the nature and the quantity of the hazardous waste. All the operators need to keep the records for the storage, transportation, and treatment of the hazardous waste and if any accident happens during the transportation of the hazardous waste then it should be reported immediately to the state pollution control boards. As far as the import of hazardous waste is concerned, import of hazardous waste for the dumping or disposal purpose is not allowed in the country and import of hazardous waste is allowed for re-use or for raw material but only after the approval of the central pollution control boards, and subject to the conditions. It is the responsibility of the importer to maintain the proper records of all the hazardous material imported and port authorities should take special care of hazardous waste while handling the import consignment.

BIO-MEDICAL WASTE RULES (1998)[‡]

Ministry of Environment and Forest issued rules for management and handling the waste of bio-medical under the Environment Protection act, 1986. These rules are applicable to the hospitals, nursing homes, animal house, labs, dispensaries, veterinary institution, and blood bank. It is the responsibility of the occupiers of the bio-medical waste to dispose of the waste in such a way so that it will not do any harm to the environment and the health of the human beings. All the occupiers should dispose of the bio-medical waste as per the prescribed standards under these rules, and should have disposal facilities such as; microwave system, incinerator or the autoclaves for the treatment of the bio-medical waste. Bio-medical waste should be disposed of separately, and should be segregated as per the prescribed rules, before its disposal. All the segregated waste should be labelled according to Schedule III. All the containers carrying the bio-medical waste should be labelled and all the information about the waste should be there while transportation of bio-medical waste from the point of generation to the disposal. Occupiers are not allowed to keep any bio-medical waste beyond 48 days if it is not treated. Every occupier need to submit an annual report of the bio-medical waste handled its nature and the quantities, in a financial year to the state pollution control board. Occupiers need to prepare the record for all the bio-medical waste generated, stored, treated, transported or disposed of during a year. Bio-medical waste includes the animal waste, human anatomical waste, micro-biology or laboratory waste, waste sharps, medicines and cytotoxic drugs, chemical waste, and incineration ash. Bio-medical waste defined colour coding for the segregation of the bio-medical waste. These colours are mainly yellow (deep burial waste), red (autoclaving or microwave waste) and black (waste to be disposed

[‡] Biomedical Waste (Management and Handling) Rules, 1998 <http://envfor.nic.in/legis/hsm/biomed.html> [Online]

in landfills) and blue or white (chemical treatment). Thus, bio-medical waste rules were other important initiatives of the government which strengthen the legal framework for waste management in India and contributed in the environment protection as well.

RULES REGARDING THE COLLECTION PROCESS OF THE MUNICIPAL WASTE

According to the MSW rules (2000), municipal corporations are not allowed to dump the solid waste into the cities, or the towns. Municipal corporations are responsible for the collection of waste or garbage from each and every house in their territory on regular basis; they need to inform the residents about the schedule for collection of litter from houses. They should have proper collection policy for the slums, fish market, waste from horticulture, fruits and vegetable market, demolition waste and horticulture waste. Municipal corporations are not allowed to mix the commercial and residential waste, or the bio-medical waste. Different types of waste need to be collected separately. Bio-degradable waste should be disposed of as per the prescribed norms only. It is the responsibility of the generator of waste to dispose it in such a manner which will not be harmful to the environment. Bio-medical waste and industrial waste will be collected separately and will not be mixed with municipal waste. Further, bio-degradable waste shall be made use of. Such wastes have to be disposed of as per the procedure by the Bio-Medical (Management and Handling) Rules, 1998. It is the responsibility of the generator of waste to avoid littering and delivery of waste in accordance with collection and segregation system.

Segregation of Municipal Waste: Municipal authorities should create awareness among the citizens with the help of regular meetings with the welfare associations and the NGOs for the segregation of the municipal waste. Under these rules any waste which is of dry nature should not be burnt and all the local government bodies should focus on arranging the awareness campaigns for the citizens to reuse or recycle the solid waste. Municipal corporations should ensure that the stray animals should not be allowed to move in the city especially at the places where the waste is collected.

Storage of Municipal Waste: Manual handling of the municipal waste should not be allowed but if there are extreme cases then it should be allowed only with due care. The garbage bins should be painted in different colours such as; green colour bins for the waste, white colours bins for the reusable or recyclable waste, and black colour bins for other types of waste. Storage capacity in any area to be provided on the basis of the quality and the quantity of the waste, the waste disposal facilities should be accessible by everyone and should not be exposed to the open atmosphere.

Transportation of solid waste: Vehicles which are used for the transportation of the solid waste should be covered so that the waste will not scatter and it should not be visible to public. Multiple handlings of waste should be avoided. All the bins and the garbage containers should be emptied on regular basis or before they get overflowed. The transportation vehicles should not be exposed to the open environment.

Processing of the Municipal solid waste: According to the Municipal solid waste rules 2000, all the solid waste should be processed through suitable technology or using a combination of two or more technologies. Waste which is of bio-degradable nature should be processed through composting, or the through other methods or techniques. Waste which is mixed can be process through recycle method, or incineration.

Disposal of Solid waste: Municipal waste which is not bio-degradable, or can't be recycling or processed should be disposed using the scientific and filling method. Residuals of waste after processing should also be disposed through land filing technique. The waste which get rejected before the processing shall also be disposed of through land filing, waste which is of mixed nature should not be disposed of until there is no way to process it. The sites for the land filling should be identified as per the specified norms.

Battery Rules (2000)[§]: Battery rules are one of the important steps taken by the government for the waste management. Battery rules were issued by the government under the Environment Protection Act (1986), for protection of environment from the waste of the lead acid based batteries. According to this rule it is the responsibility of the dealers or the sellers to collect the used batteries from the consumers, take proper care to protect the environment from any harm during the transportation of the used batteries from the point of consumer to the recycle point or to the disposal point, and to advertise to make people aware about the consequences of lead acid based batteries. The main aim of this rule is to save the environment from the harm which is caused by the waste of the lead batteries. That is why this rule is known as the battery rules. These rules are applicable on the resellers, auctioneer, and bulk consumers like government departments, recycler, and importers. It is the responsibility of the sellers to collect the used batteries from the consumers and send it to the registered recyclers only. There is a proper recycle process for the lead based batteries which need to be follow by all the registered recyclers. All the battery dealers need to set up the collection centres for the collection of the used lead batteries from the consumers. A proper awareness campaign for the general public need to be arranged for making them aware about the usage of the lead batteries, and the harm these batteries can cause and why it is important to give back the used batteries. All the dealers

[§] Batteries (Management and Handling) Rules, 2001 <http://www.moef.nic.in/legis/hsm/leadbat.html> [Online]

were asked to use the sign of recycle on the batteries to follow the international standards. No dealer was allowed to buy the recycled lead batteries from any of the unregistered recyclers. All the dealers and the recyclers need to get register as per the government norms who are dealing in the lead based batteries business. Ministry of environment and forest have set up strict rules to take action against the dealers who violate the battery rules and State boards were promoted to implement the battery rules in their respective states strictly. It was made mandatory for the importer, dealers, auctioneer, and bulk consumers to get register under the Ministry of Environment and forest as per the Battery rules, 2000. It is compulsory to mark the sign of recycle on the used batteries collected and to make general public aware about the hazards of lead; and making it compulsory for the public to return the used batteries. Hence, Battery Rules, 2000 was another important legal action taken by the government for the environment protection and the management of waste from lead batteries.

E-WASTE RULES (2011)**

Government of India passed e-waste rules in 2011 under the Ministry of environment and forest. These rules re known as e-waste (Management and Handling) and came into effect from the year 2012. These rules were applicable on the manufacturer, dealers, resellers, consumers or the bulk consumers of any type of electrical components. According to these rules it is the responsibility of the manufacturer or the producer of electrical component to collect all the waste and send it for recycle or proper and systematic disposal of the waste. As the extended responsibility of the producer is to collect the waste after the end of the life of electrical components, and to set up the collection centres and collecting the waste from the consumers. It is the responsibility of the producer to invest funds for channelizing the waste from end of life of its electrical components and also to dispose of the historical waste means the waste which was available before these rules. Producers should provide the complete address and phone number of the collection centres to all the consumers and the bulk consumers for collection of the e-waste. It is also the responsibility of the producers to make people aware about the hazards from the e-waste, for using the electrical components after their life, consequences for not disposing of the e-waste as per the prescribed manner and the hazards from improper handling of the electrical components. Under this rule it was made mandatory for all the producers to get register under the state pollution control boards, keeping account of all the e-waste handled, recycled, and disposed of during a financial year and presenting the same information to the state pollution control boards for scrutiny once in a year. All the producers need to take the authorization from the state control

** E-Waste (Management and Handling) Rules 2010 Amended 2011.
http://www.moef.nic.in/downloads/rulesandregulations/1035e_eng.pdf [Online]

boards for the e-waste management and its process. It is the responsibility of the collection centres to store the e-waste in such a manner that it will not harm to the environment till the period it reaches to the point of recycler or the dismantler. All the bulk consumers should keep the records of the e-waste generated in a financial year and should present this information to the state pollution control boards for the scrutiny. It is also the responsibility of the bulk consumers to channelize their e-waste through registered collection centres or to the take back service centres. It is the responsibility of the dismantlers to ensure that the e-waste should not cause any harm to the environment during the process of storage and the transportation. Dismantlers need to follow the guidelines of the central pollution control boards strictly, related to the process for dismantling of the e-waste. All the components or the e-waste which cannot be recycling should be send for disposal or the treatment plants. Any recycler or refiners, who are not registered under the state pollution control boards cannot refine, recycle or process the e-waste. These rules also made for reduction of hazards components such as lead, mercury for the electrical components. These rules were found to be very important for reduction of e-waste which can cause harm to the environment.

CRIMINAL LAWS FOR WASTE MANAGEMENT

In India there are mainly two laws which are applicable for the solid waste management. One is Indian Penal Code, 1860^{††}; and second is Criminal Procedure Code, 1973. In chapter XIV of the Indian Penal Code, 1860 solid waste has been treated as the public nuisance. Any activity which effect the public health is consider as an offence and solid waste affects the public health, causes various types of diseases. Hence; it is treated as an offence which is punishable. But there is a lack of special section which can deal with the solid waste directly.

According to Sec.133 of the Criminal Procedure Code, 1973^{††}, if someone found guilty of causing public nuisance, then the Sub-Divisional Magistrate as power to stop that activity, or public nuisance. Section 133 is the major law which is used to deal with the solid waste management in the country. Along with this Article 47 was added in the Indian Constitution under which it is the duty of the government bodies to take care of the environment for the public health of the people.

^{††} Shastri, S.C. (2016). Solid Waste Management—An Indian Legal Profile. <http://www.nlsenlaw.org/solidwastemanagementanindianlegalprofile/> as on 30.08.2017.

^{††} A Critical Overview of Legal Profile on Solid Waste Management in India. International Journal of Research in Chemistry and Environment, 2015;5(1):1-16.

RIGHT TO SANITATION, DECENT AND DIGNIFIED LIFE

Under Article 21^{§§}, Indian constitution has declared that right of sanitation, decent and the dignified life. It is the duty of the municipal corporations to remove all the waste to prevent the bad effect of waste on the health of the human. It is the duty of the central and state pollution control boards to prevent any unauthorized transportation or disposal of the waste. Central pollution control boards have the power to take action against any commercial or residential waste increasing activity. According to the Article 21, life of human cannot be peaceful or pleasant if they are not provided pollution free environment.

MUNICIPAL SOLID WASTE RULES (2016)^{*}**

Municipal waste rules (2000) were revised in the year 2016 and various features were added to these rules. Now these rules are applicable to both the urban and the rural areas. Now these rules applicable even beyond the area which is not in the territory of the municipal corporation. Now it includes the urban areas, new townships, census towns, areas under the control of airports, railways, port areas, special economic zones, pilgrimage places, etc. Total waste generated by the country is around 62 million tonnes, out of which the contribution of plastic waste, bio-medical waste, hazardous waste and e-waste is 5.6, 0.17, 7.9 and 15 million tonnes respectively. Per capita waste generation weight is around 200 to 600 gm per day. Out of the total waste, only 78 percent of total waste is collected and 22 percent is processed by the municipal corporations. According to an estimate the total waste generation by 2030, in the country will be 165 million tonnes that is almost more than double of current quantity. According to the MSW rules (2016), waste need to be segregated into three categories namely; dry waste, liquid waste and the hazardous waste. All the users of the waste collection services have to pay the users' fee and also if someone will be found guilty of non-segregation or the littering will be fined as per the rules. It was also stated in the rules that the land for sanitary landfills will be allotted from the plain areas which is within 25 kilometres area of the hill area. All the municipal corporations who have a territory of more than 1 million populations have to set up all the waste processing and disposal facilities within one or two years. If the population is below one million, then the common facilities can be set up by two or more municipal corporations. As per the new MSW rules (2016), there will be a central monitoring committee who will look after the complete implementation of the new rules for solid waste management. Under the MSW rules (2016), all the rag-pickers will be a part of the waste collection process. They are considered as a part of the formal system of waste collection. General public is not allowed to dispose of any type of waste by burning in public places, streets or the in

§§ <http://www.legalserviceindia.com/articles/art222.htm>

*** Solid Waste Management Rules, 2016. Ministry of Environment, Forest and Climate Change. Government of India. <http://www.indiaenvironmentportal.org.in/content/427824/solid-waste-management-rules-2016/>

open areas. All the sanitary waste should be wrapped and then only given to the waste collectors and should be segregated as the dry waste. Swachh Bharat initiatives were also into the new MSW rules (2016), under this initiative all the bulk waste generator such as hotels, restaurants, industries and the marriage halls were issued orders to collect their waste and segregate their waste by themselves and to cooperate with the local municipal bodies. All the hotels and marriage halls were asked to collect and segregate their food waste as bio-degradable waste and should also ensure that bio-degradable waste is used for the composting purpose only. All the resident welfare associations will give their dry waste to the rag-pickers for recycle process. All the residual waste after processing of the bio-degradable waste should be handed over to the local authorities. All the new townships or the housing societies have to make system for the in-house waste collection and processing of the bio-degradable waste. All the street vendors were asked to keep containers for storage of their dry waste, or food waste etc. and at the end of the day they need to collect this waste to the local authorities. There will be a provision of allocating 5 percent of the land for the waste management such as; recycle or recovery of waste, in the all the special economic zones, and the industrial parks. Proper financial assistance should be provided to the municipal corporations for the waste management by the producers of the disposable products. Producers of the sanitary napkins should give the wrappers for wrapping the waste or the facility to recycle the waste material. Users of the napkins should be made aware about the wrapping up of the used napkins by the producers of these products. All the plants or industries which are located within the range of the 100 Km of the RDF plant have to fulfil five percent of the fuel demand from these RDF plants only. All the waste which is non-recyclable in nature should not be used for landfilling but to use only for the waste to energy project. Waste with high calorific value should be used in the construction process. All the waste of construction process should be demolished only as per the rules of Construction and Demolition Waste Management.

MSW rules (2016) ensure the disposal of the waste in scientific way only and with the cooperation of all the members of the society whether they are users, producers or manufacturers, municipal corporations, rag-pickers, industries, street vendors, etc. The rules are based on the fact that keeping the environment clean is not the duty of only municipal corporations but the duty of all the humans and all are the important parts of the system. Effective waste management practices can be adopted in the country only with the cooperation of the all the parties and effective implementation of the MSW rules in the country.

ROLE OF JUDICIARY IN THE MUNICIPAL SOLID WASTE MANAGEMENT

Due to rapid growth of industrial sector, improper planning of urban development, mobilization of people from rural areas to urban areas, improper actions of the government bodies for the

pollution control, all these lead to the environment degradation. This has affected the quality of life of human. Poor planning for urban development led to environment related problems such as; sewage overflow, water pollution, land pollution, increase in slum areas, problem of human health, and lack of sanitation and hygiene.

Air and water pollution are the most important problem in urban areas and due to development of residential areas in the urban areas the waste land is not available for the disposal of waste, and hence solid waste disposal has become a major problem which is more important than air or water pollution. Population of the urban areas is increasing due to globalization, the land is occupied for residential construction, and solid waste is increasing due to the crowded cities and increased commercialization. This all lead to the municipal solid waste disposal problems.

According to the report of World Commission (1987) pollution is the most important problem in the whole world. The report highlighted the major hazardous waste disposal incidents happened at USA, Netherlands, Hungary, Germany and Japan. It was stated in the report that urbanization is the major cause for the solid waste in the world. Solid waste management is related to the processing of waste, transportation of waste, disposal methods, and the treatment or recycling of the waste.

Bhasal (2012)^{†††} stated that Indian judiciary is the pioneering judicial system among the world judicial system for making innovative laws for the environment protection. During last two decades, Supreme Court of India has passed highest number of laws, rules or the guidelines for the environment protection. Indian judiciary has played an important role in the environment protection from the adverse effect of solid waste. Apart from the creation of laws and application of laws, Indian judiciary has played an important role in the education and awareness of citizens about the problems related to the environment and the way they can contribute to the environmental protection.

During last few years both the government and the judiciary system of India has focused on the planning actions, policies which can lead to growth and sustainable development of the economy without causing harm to the environment. In many cases either the individuals or the NGOs have gone to court for the problems related to the industrial waste, solid waste, disposal of waste, sanitation, or hygiene, and the pollution. Supreme Court has also issued guidelines either by its own or on the basis of the petition filed for the environment protection.

^{†††} Bhasal Sandip, 2012 “Role of Indian judiciary in protection of right of the children” available at <http://orgal.accademiaedu/sandipbhosa/papers/756296> visited on 31.09.2012

Following are the recommendations given by the Supreme court of India in the case of Almitra Patel (888/96)⁺⁺⁺, for the usage of modern technologies for the solid waste management in Class-I cities. This case was the most important case which drew attention and proved as the basis for the change in the solid waste management rules in the country. Almitra Patel filed a written petition for the waste management policies of the municipal corporation in the four metro cities of India. Out of four metro cities, Supreme Court of India only took the case of Delhi/NCR region. It was stated in the petition that the practices of the municipalities for the solid waste management were deficient and the ineffective practices of the municipalities have an adverse effect on the health of the human and also on the natural environment. It was replied to the petition that the responsibilities of the solid waste management are of local municipalities only. At central level, solid waste management work is handled by the Ministry of Urban Affairs. It is the nodal ministry who deal with all type of responsibilities related to solid waste management by municipal corporations. At central level there is another important legal body that takes care of the municipal waste that is known as Central Pollution control board while at state level there are state pollution control boards that take care of the municipal waste. Both the central pollution control board and the state pollution control board takes initiatives for the collection, treatment, transportation and the disposal of the municipal solid waste. The committee was formed on the basis of the replies given by the central pollution control board, state pollution control board and the state government for the petition filed under this case in the year 1998 and this committee gave their recommendations in 1999. The committee made a report on the poor practices of the municipal corporations for the management of solid waste in the country. This committee suggested the composting method or technique for the waste which is biodegradable in nature. This method is very simple and hygienically processes the waste. The same method was recommended by the rules issued by Ministry of environment and forest for the management of Municipal Solid Waste in the year 2000. All the recommendations given by this committee were for residents, government bodies and the urban development bodies.

These recommendations were not supported by the political parties as there were various loopholes in the system in granting permission for energy recovery from waste and incineration process. Land is not available for the disposal of waste, bio-degradable elements in the waste were not being used for the agriculture, there are no measures for the conservation of land, and waste resources which are organic in nature can be used for the soil. Thus, it is required to

⁺⁺⁺ Almitra patel v. Union of India, Judgement dated 15-02-2000

compost the biodegradable waste, and to transport the recycle waste to the recycling industry. It is also required to use only the rejected land for the landfill technique in scientific manner.

Recommendations given by the committee on the basis of Almitra case were mainly; citizens should not throw litter on the streets, in open areas, in residential areas, in parks, or on the footpath. All the bio-degradable waste should be stored safely; every household should throw their garbage in the allotted bins. All the hospitals should make arrangement for the safe transportation and the disposal of their bio-medical waste, all the commercial waste should be recycled, or transported in the prescribed manner. All the construction waste should be stored at only permissible places only. Committee recommended some suggestions to the local government bodies for the effective solid waste management practices. Local government arranges campaigns for the education and awareness of local citizens towards the solid waste and its harmful effect on the environment and the human health. Waste should be collected from the doorsteps, provision of bulk bin boxes, transportation of waste at regular intervals, sweeping the streets daily and making provision for the transportation of waste from hotels, marriage halls, garden, and the construction waste.

Committee also recommended that the government bodies should be charge for providing the waste collection services from household, the design and the type of the waste disposal vehicle should be according to the type of waste, and private sector should be promoted to participate in the setting projects for the solid waste management in the country. On the basis of these recommendations Ministry of Environment and forest issued new rules which is also known as the Municipal Solid waste (management and handling) rules, 2000. The case of Almitra highlighted the need for door to door collection of the solid waste by the municipal corporations, segregation of the municipal waste as solid waste, liquid waste and semi-solid waste and the use of latest technology for the disposal of solid waste. Thus, the major purpose of this petition was not on the reduction or the recycling of the waste.

Supreme Court of India ordered that the scheme of door to door to collection of waste should be implemented in all the cities and also in the slum areas, and the penalty was charged on the bodies or person involved in that case. It was also highlighted in the report of the Burman committee that clearance of slums is a part of solid waste management practices because slums are the major producers of the solid waste and pollute the environment.

Recommendations were given by the committee and Supreme court give orders for preparing an action plan for the Integrated Plant Nutrient Management where the compost of solid waste will be used with the fertilizers for agriculture, crop plantation, forestry, and horticulture activities and also making provisions for the sale of the compost in the market within 50 Km range from the

compost plant and the urban bodies. From the annual report of the Municipal solid waste management rules 2000, it was found that the rules were not being implemented and Supreme court gave direction to the Urban development bodies, Central pollution control boards and state pollution control boards, to make sure that the rule will get implemented in all over the country. Similarly, there were various other cases which have been filed by different people from different states related to the municipal solid waste and contributed to the effective management practices of solid waste in the country. Some of the important cases have been reported in this section in brief:

Resident welfare association^{§§§} of Delhi gave a written petition for the poor sewage system and the management of sewage in Yamuna. Supreme Court gave order for the formation of a committee to look over the matter and make a report. It was ordered by Supreme Court that the action plan suggested by the committee should be implemented by the environment pollution authority for the upgradation and the management of the sewages in Delhi and nearby places.

On the petition of the M. C. Mehta^{****}, related to fall in groundwater level, directions were issued by the Supreme court to the Ministry of Environment and forest, for the appointment of an authority exclusively to look into the matter which was given name as 'Central groundwater Board'. The board was given the authority to issue guidelines for the indiscriminate boring in the country and also the withdrawal of the ground water.

In the case of Sushanta Tagore^{†††}, Supreme Court issued the directions that it is the responsibility of the state and urban development bodies to prevent the construction in the areas which can cause the harm to the environmental ambience of the neighbouring societies or the areas. The construction which can cause an imbalance in the eco system should also be prevented by the government bodies. Thus, overall it can be said that Supreme court have given orders, issued directions to the central government, and other government bodies for the solid waste disposal or the related matters from time to time and contributed in the environment protection mission.

§§§ (1999) 1 SCC 161. See also Sector 14 Residents' Welfare Association v. State of Delhi, (2000) 9 SCC 511; D.K. Joshi v. Chief Secy., State of U.P. (1999) 9 SCC 578; Sews Item "Hindustan Times" A.Q.F.M. Yamuna v. Central Pollution Control Board, (2000) 10 SCC 587; News Item Published in Hindustan Times Titles "And Quiet Flows The MAILY Yamuna". In re, (2004) 8 SCC 638; (2004) 9 SCC 569.

**** <https://www.elaw.org/es/content/india-mc-mehta-v-union-india-groundwater-case>

†††† [Http://indiankanoon.org/doc/1915099/](http://indiankanoon.org/doc/1915099/)

CONCLUSION

Overall, it can be said that Indian judicial system is playing an important role in solid waste management. Main laws which are applicable in India for the municipal solid waste are Municipal Solid Waste Rules (2000) and various other waste management rules support the solid waste management practices such as; Hazardous waste rules, e-waste rules, battery rules and bio-medical waste rules. Indian judiciary is the most active and invented the innovative rules which can help in solid waste disposal and contribute to the environment protection. Supreme Court has issued directions, guidelines and the orders to the state government, central government and the pollution boards for using the attest techniques for the waste disposal and promoted the rights of sanitation, health and a dignified life.
