



## **CRIMINALIZING PLASTIC WASTE A CASE STUDY OF INDIA'S LEGAL FRAMEWORK**

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### **ABSTRACT:**

*Plastic waste is one of the most pressing environmental concerns in India, with serious consequences for public health and the natural environment. Criminalizing plastic waste is a crucial step in mitigating its impact, and this paper examines India's legal framework for doing so. The review of literature explores the legal and environmental contexts of plastic waste in India, and the methodology involves a critical analysis of the relevant laws and regulations. The data analysis considers case studies and legal judgments related to plastic waste, and the results show that while there have been some successful prosecutions, the legal framework remains inadequate. The conclusion emphasizes the need for more effective enforcement of existing laws and for stronger legislation to criminalize plastic waste.*

### **INTRODUCTION:**

India is one of the world's largest producers of plastic waste, generating approximately 9.46 million tonnes of plastic waste annually. This waste poses a severe threat to public health and the natural environment, including water sources, soil, and air quality. In response to this crisis, India has implemented various laws and regulations to regulate the production, use, and disposal of plastic. However, the enforcement of these regulations is often weak, and there are still widespread violations of plastic waste management rules.

Therefore, criminalizing plastic waste is crucial to mitigate the impact of plastic waste on the environment and public health. This paper examines India's legal framework for criminalizing plastic waste, considering the relevant laws, regulations, and case studies.

### **REVIEW OF LITERATURE:**

India has a range of laws and regulations related to plastic waste management, including the Plastic Waste Management Rules (2016), the Environment (Protection) Act (1986), the Water (Prevention and Control of

Pollution) Act (1974), and the Air (Prevention and Control of Pollution) Act (1981). These laws regulate the manufacture, use, storage, transportation, handling, and disposal of plastic waste. In addition, the National Green Tribunal (NGT), established in 2010, has played an essential role in enforcing environmental laws, including those related to plastic waste. However, there is still widespread non-compliance with these laws and regulations.

#### **METHODOLOGY:**

This paper employs a critical analysis of India's legal framework for criminalizing plastic waste. The methodology involves a review of the relevant laws and regulations, a critical analysis of case studies and legal judgments, and an assessment of the effectiveness of the legal framework in combating plastic waste. The analysis considers the extent to which criminal penalties are imposed for violations of plastic waste management rules and the role of the NGT in enforcing environmental laws.

#### **DATA ANALYSIS:**

The analysis of case studies and legal judgments shows that there have

been some successful prosecutions for violations of plastic waste management rules. For example, in 2019, the NGT imposed a fine of INR 25 lakh on a municipal corporation for illegal dumping of plastic waste. In another case, the NGT directed the closure of a plastic manufacturing unit for violating environmental norms. However, such successful prosecutions are relatively rare, and the enforcement of plastic waste management rules is generally weak. Many cases related to plastic waste remain pending in courts, and there are widespread violations of plastic waste management rules.

#### **RESULTS & CONCLUSION:**

The analysis of India's legal framework for criminalizing plastic waste shows that while there have been some successful prosecutions, the legal framework remains inadequate. The weak enforcement of plastic waste management rules, the lack of awareness among the public about the dangers of plastic waste, and the limited resources available for monitoring and enforcement all contribute to the ongoing plastic waste crisis. Therefore, there is a need for more effective enforcement of existing laws and regulations and for stronger legislation

to criminalize plastic waste. The government should take steps to improve public awareness of the issue and to provide resources for monitoring and enforcement.

#### **FINAL WORDS:**

In conclusion, plastic waste is a severe environmental problem in India, with significant consequences for public health and the natural environment. While India has implemented various laws and regulations to manage plastic waste, the enforcement of these rules remains weak. Criminalizing plastic waste is a crucial step in mitigating the impact of plastic waste, and this paper has examined India's legal framework for doing so. The review of literature, methodology, data analysis, and results show that while there have been some successful prosecutions, the legal framework remains inadequate. Therefore, there is a need for more effective enforcement of existing laws and for stronger legislation to criminalize plastic waste. The government should take steps to improve public awareness of the issue and provide resources for monitoring and enforcement. The success of such efforts will depend on the cooperation

of the government, civil society, and the public at large.

#### **USE OF ADVANCE TECHNOLOGY:**

In recent years, technology has played a significant role in advancing environmental protection efforts in India, including in the context of public interest litigation (PIL). PIL is a legal tool that enables citizens to raise concerns about environmental issues and hold government and private entities accountable for their actions or inactions.

The use of advanced technology has allowed PIL to become more effective in addressing environmental concerns. For instance, satellite imagery has been used to monitor deforestation, land-use changes, and other environmental issues. This technology allows for the collection of large amounts of data, which can be used as evidence in PIL cases. Additionally, remote sensing technology has been used to monitor air and water pollution levels, which are often difficult to assess through traditional monitoring methods. This technology has enabled citizens and civil society organizations to collect data and evidence to support their PIL cases, which can help hold polluting entities accountable.

Another example of the use of technology in environmental protection is the use of mobile applications, which enable citizens to report environmental violations and track progress in resolving issues. These apps also facilitate public participation in environmental protection efforts and provide a platform for citizens to voice their concerns.

Furthermore, digital platforms and social media have played a significant role in raising awareness about environmental issues and mobilizing public support for PIL. Social media platforms enable citizens and civil society organizations to share information, raise awareness about environmental concerns, and build public support for environmental protection efforts.

In conclusion, the use of advanced technology has significantly enhanced the effectiveness of PIL in addressing environmental concerns in India. Technology has enabled citizens and civil society organizations to collect data and evidence, monitor environmental violations, and mobilize public support for environmental protection efforts. It is essential to continue to explore and leverage the potential of technology in

environmental protection efforts in India.

#### **EVALUATION CRITERIA USED BY DEPARTMENT:**

In India, several departments and agencies are responsible for ensuring environmental protection and implementing environmental laws and policies. These departments use various evaluation criteria to assess the effectiveness of public interest litigation (PIL) in environmental protection.

One evaluation criterion used by departments is the impact of PIL on policy and legal reforms. PIL has played a critical role in shaping environmental policies and laws in India. For instance, the Supreme Court's PIL in the 1990s regarding the pollution in the Ganga river led to the enactment of the Ganga Action Plan and the establishment of the National River Conservation Directorate. Another evaluation criterion is the level of compliance with court orders and judgments. Departments assess the extent to which PIL judgments and orders are implemented by government agencies and private entities. In cases where compliance is low, departments may take further action, such as imposing fines or penalties.

Departments also evaluate the effectiveness of PIL in addressing specific environmental issues. For example, PIL has been effective in addressing issues such as air and water pollution, deforestation, and wildlife protection. Departments assess the impact of PIL in resolving these issues and the extent to which it has contributed to improving the environment. Additionally, departments evaluate the extent of public participation and engagement in PIL. Public participation is a crucial aspect of PIL, and departments assess the level of engagement of citizens and civil society organizations in environmental protection efforts. Departments also evaluate the quality of evidence presented in PIL cases and the credibility of the sources used to support PIL arguments. In conclusion, departments in India use various evaluation criteria to assess the effectiveness of PIL in environmental protection. These criteria include the impact of PIL on policy and legal reforms, compliance with court orders, effectiveness in addressing specific environmental issues, public participation, and the quality of evidence presented in PIL cases. These evaluations help to identify areas where

PIL can be improved and contribute to improving environmental protection in India.

#### **ROLE OF GOVERNMENT POLICY:**

Government policy plays a critical role in promoting environmental protection in India, and it is closely linked to the success of public interest litigation (PIL) in this field. The Indian government has implemented several policies and programs to address environmental issues, such as air and water pollution, deforestation, and climate change. One of the most significant policies is the National Action Plan on Climate Change (NAPCC), which outlines the government's strategy for addressing climate change. The plan includes eight missions that focus on specific areas, such as renewable energy, energy efficiency, and sustainable agriculture. The NAPCC also emphasizes the role of public participation and awareness in promoting environmental protection.

The Indian government has also enacted several laws and regulations to protect the environment, such as the Water (Prevention and Control of Pollution) Act, the Air (Prevention and Control of Pollution) Act, and the Forest Conservation Act. These laws provide a

legal framework for environmental protection and are critical in supporting PIL efforts.

Furthermore, the Indian government has established several institutions to oversee and implement environmental policies and laws. These institutions include the Ministry of Environment, Forests, and Climate Change, the Central Pollution Control Board, and the National Biodiversity Authority. These institutions work closely with the judiciary and civil society organizations to promote environmental protection and support PIL efforts.

The role of government policy in promoting environmental protection in India is closely linked to the success of PIL. PIL has been instrumental in addressing environmental issues and has helped to shape government policies and laws. PIL has also increased public awareness and engagement on environmental issues, leading to greater public pressure on the government to take action.

In conclusion, the role of government policy in promoting environmental protection in India is critical, and it is closely linked to the success of PIL in this field. The Indian government has implemented several

policies and programs to address environmental issues, and it has established institutions to oversee and implement environmental policies and laws. These efforts have been essential in supporting PIL and promoting environmental protection in India.

#### **CASE ASSIGNMENT OF PIL IN ENVIRONMENT PROTECTION:**

The assignment of public interest litigation (PIL) cases related to environmental protection in India is a crucial process in ensuring effective legal action against environmental violations. PIL cases are assigned to various courts based on their jurisdiction, and the judiciary plays a crucial role in deciding the outcome of such cases.

The assignment of PIL cases related to environmental protection in India usually follows a specific process. PIL cases can be filed in various courts, including the Supreme Court, High Courts, and District Courts. The jurisdiction of the court depends on the nature and extent of the environmental violation and the location of the incident.

Once a PIL case related to environmental protection is filed, the court typically assigns the case to a

judge or a bench of judges. The judge(s) will then hear arguments from both the petitioner and the respondent and review evidence presented by both parties. The court may also appoint experts or a committee to conduct an independent investigation of the environmental violation in question. The assignment of PIL cases related to environmental protection requires careful consideration of various factors. Firstly, the court must consider the nature and extent of the environmental violation and the potential harm caused to the environment and the public. Secondly, the court must consider the jurisdiction of the court and whether it has the legal authority to hear the case.

Finally, the court must consider the capacity and expertise of the judge or bench assigned to the case. There have been several landmark PIL cases related to environmental protection in India, including the Vellore Citizens' Welfare Forum vs. Union of India, which addressed pollution in the tannery industry in Tamil Nadu, and the MC Mehta vs. Union of India case, which addressed air and water pollution in Delhi. These cases have resulted in significant legal and policy changes in environmental protection in India, highlighting the importance of effective

assignment of PIL cases. In conclusion, the assignment of PIL cases related to environmental protection in India is a critical process in ensuring effective legal action against environmental violations. The process requires careful consideration of various factors, including the nature and extent of the violation, jurisdiction, and the capacity and expertise of the judge or bench assigned to the case. Effective assignment of PIL cases has resulted in significant legal and policy changes in environmental protection in India.

#### **CONCLUSION:**

In conclusion, the Right to Freedom of Speech and Representation of the People Act, 1951 is a crucial legislation that protects the rights of citizens to participate in the democratic process and exercise their freedom of expression during elections. The Act outlines various offenses related to elections and provides the legal framework for investigating and prosecuting offenders. To ensure effective enforcement of the Act, law enforcement departments must have well-trained investigators, evidence technicians, and prosecutors who work together to gather evidence, build cases, and bring offenders to justice. The

department's interaction with the also essential to ensure that cases are properly prosecuted and that offenders are held accountable for their actions.

The use of computer files and technology is also critical in managing and tracking cases, especially in high-volume election periods. Departments should ensure that they have the necessary infrastructure and resources to effectively manage cases and maintain accurate records.

Finally, it is important to note that the successful enforcement of the Right to Freedom of Speech and Representation of the People Act, 1951 is crucial to upholding the principles of democracy and ensuring a fair and transparent electoral process. Law enforcement departments play a crucial role in achieving this, and it is important that they are well-equipped and well-prepared to carry out their responsibilities effectively.

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