



**Waste
Rules
in India**



About this Booklet

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In India, many rules and policies clearly state that wastepickers and kabaris must be a part of waste handling in every municipality. Did you know this? No? Maybe because these rules are buried in files and on the internet. Here are some of the most important rules and policies.

A policy outlines the broad path the government will take, and the rule is the specific route that the government and all other actors involved must follow. Apart from these, a state (such as Maharashtra, or Kerala) can also issue order, called Government Orders, which must be followed like a law. This booklet will tell you about all of these.

When you finish reading this booklet, you will know that a wastepicker or in some cases, also a kabaris wala, have many rights to collect waste.

Policy is the path along which the government is thinking, and reflects its priorities. Indian Policy clearly recognizes the informal recycling sector through as follows:

The National Action Plan for Climate Change, 2009, *which aims at finding ways to handle climate change within India.* It states, “While the informal sector is the backbone of India’s highly successful recycling system, unfortunately a number of municipal regulations impede the operation of the recyclers, owing to which they remain at a tiny scale without access to finance or improved recycling technologies” This is part of the Mission on Urban Sustainability.

The National Environment Policy, 2006, which states “Give legal recognition to, and strengthen the informal sector systems of collection and recycling of various materials. In particular enhance their access to institutional finance and relevant technologies.” (Section 5.2.8, point (e), Pg. 36)

India has many rules on various kinds of waste. The most important ones are these:

Plastic Waste (Management and Handling) Rules, 2011, deal with plastic bags and some kinds plastic packaging, such as that used for namkeens. This rule, in Section 6 (c) states, that the Municipality is responsible for, amongst others, the following:

(vi) to engage agencies or groups working in waste management including waste pickers, and (vii) to ensure that open burning of plastic waste is not permitted;

Electronic Waste (Management and Handling) Rules, 2011: The electronic waste (related to old computers, mobile phones, fridges, televisions and many other electric and electronic wastes) rules include the informal sector by emphasizing that associations can also act as collection

centres, with the understanding that associations are a form of informal sector organization.

(e) 'collection centre' means a centre established, individually or jointly or a registered society or a designated agency or a company or an association to collect e-waste;

Other Important Reports

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Sometimes, there are reports and court judgments that remind the government to implement laws, or follow the spirit of policy and suggest ways to improve the situation. These reports are important, especially when they are government reports or even, reports given to courts. Here are two important examples:

The CAG Audit on Municipal Solid Waste in India (December 2008) also recommends (Chapter 3, Section 3.5) that “MOEF/states should consider providing legal recognition to rag pickers so that recycling work becomes more organized and also ensure better working conditions for them.”

The Supreme Court accepted recommendations of the Report of the Committee constituted by the Supreme Court in 1999 (Solid Waste Management in Class 1 Cities in India). According to this report, in points 3.4.7 (Pg. 34) and Pgs. 3.4.8, ragpickers must be converted into doorstep waste collectors as a means of up gradation.

National Committees

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There have been several committees in the last 16 years that have recognized the importance of including the informal waste recycling sector into mainstream activities.

Asim Burman Committee, 1999:

The Supreme Court as part of the Public Interest Litigation *Almitra Patel Vs The Union of India* constituted this. Mr. Asim Burman, Municipal Commissioner, Calcutta Municipal Corporation headed the committee, in March 1999. This important committee clearly underscored the work of the recycling sector and its rights over waste. It made certain far reaching recommendations with regard to recycling and the informal sector. These included:

- Organizing wastepickers to collect recyclable waste from shops and establishments. It also acknowledged that wastepickers help reduce the burden of Urban Local Bodies body by several million rupees annually in collection, transport and disposal cost and saving of landfill space.

- Ten per cent of waste produced in India can be reused or recycled. Part of it is collected by wastepickers and the rest goes to the landfills. Recycling can be encouraged by promoting recycling industry through incentives like land allotment, power, water on priority, tax holiday, preferential purchase of recycled products by government and semi-government bodies.

Bajaj Committe:

The Planning Commission, the highest policy-making body of the Indian Government, created this 1995 High Power Committee on Urban Solid Waste Management in India soon after the 1994 plague outbreak. Prof. B.S Bajaj, who was a member of the Planning Commission, headed it. The Bajaj Committee made specific space in the waste management framework for the informal sector. This was in sharp contrast to the Municipal Corporation of Delhi's ban on the work of

waste pickers during and after the plague. Some of the recommendations included:

- Replacing the informal sector scavenging from roadside dumps and disposal grounds by organized ward-level recycling and recovery centres, which could be managed by NGOs working with waste pickers. Municipal authorities could also employ waste pickers for this.

Regional Legislation

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There have been many instances of progressive legislation from different states

Madhya Pradesh

According to an order of the Bhopal Municipal Corporation dated 4th January, 2011 (433/GO/2011), wastepickers must be facilitated to undertake doorstep collection if they are formalized.

Ahmedabad:

Paper waste from offices is expected to be handed over to women waste pickers.

Maharashtra:

The order of the Government of Maharashtra; Water Supply and Sanitation Department. Government Circular No: Ghakavya 1001/ Pra. Kra 546/ Papu-22 Mantralaya Mumbai : 5 January, 2002 states that:

- The unorganized rag pickers collecting waste in different parts of the city should be organized with the help of the non-government organizations and register a cooperative. The local self-government should take an initiative to get these cooperatives registered. Registered rag pickers organizations should be allotted the work of collecting waste in the city parts/wards with the help of non-government organizations.
- Those rag pickers who have not registered in the cooperative, can also be, under exceptional circumstances, allowed to collect waste on an individual basis after registering themselves.
- The civic authority should give preference to the cooperatives formed by the rag pickers to collect dry waste.
- If the city has a waste processing unit, the waste collected by the rag pickers should be used for the same or the rag

pickers should have the freedom to sell it in the market. This will provide income to the rag pickers and help improve their living standard.

- Civic authorities/ NGOs should issue identification cards to the registered rag pickers. This will enable the citizens to recognize the registered rag pickers.

- The civic authority/ NGO should allot a specific place, as per the situation, and give the task to the registered rag pickers or their organizations to collect waste from 250-300 homes.

- The task of collecting bio-Medical waste and polluted/ toxic waste should not be allotted to the rag pickers. Civic authorities should make provisions for collecting general waste and bio medical waste separately and storing it and disposing it and monitor it effectively.

Last Thoughts

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The most common story we hear about wastepickers across India is about how they lose their work, or how they do not get access to waste. With so many rules, policies and orders supporting wastepickers and kabaris, the question is, why are these not being implemented?

Wastepickers and kabaris of India, you have nothing to lose but your hunger.





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