



Control of Plastic Waste & Environment protection

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Abstract

India being one of the largest generators of the plastic wastes in the world. In the 21st century, the world is facing a plastic crisis. It's the serious issue at global level which requires an immediate and an international response. "Every minute the equivalent of one garbage truck of plastic is dumped into the ocean". Plastic consumption is continuously increasing due to urbanisation and growing global demand. If this waste is not managed properly, it has many dangerous effects on environmental stability, nature, wild life, Human life etc. The non recycled plastic enters the environment, polluting our water bodies and causing an effect on our healthy environment. Plastic waste is hazardous for water, land, Human being, other living creatures, Plants etc. As we all know healthy environment is life support system, without healthy environment we can't presume of life on the planet. But right now, due to environmental degradation neither we can inhale pure air nor we can drink fresh water. There are certain plastic waste management rules made by the Legislature, companies and producers. The main object of these rules is to promote sustainable practices in the production and management of plastic packaging waste. "The Bangladesh government was first to do so in 2002, Imposing a total ban on lightweight plastic bags". Plastic also have serious impacts on people and their rights. Due to plastic waste our fundamental rights are violated. Judiciary plays a vital role from time to time to protect human and animal rights from plastic waste. The emphasis of Judiciary has been on sustainable development and it has strictly applied the precautionary principle as well as the polluter pays principle. It is the time we must take strict measures to control it **Key Notes: Plastic waste, Hazardous, Degradation, Sustainable, Recycled WHAT IS THE PLASTIC WASTE?**

"Plastic waste is the accumulation of plastic material that affects the environmental stability." In other words, plastic waste means any plastic product such as carry bags, multi layers packaging or pouches which have been discarded after use or after their intended life is over. And as may be prescribed under the plastic waste management rules, 2016 and the U.P. plastic act and other known biodegradable garbage {regulation} act 2000 as amended in 2018. Plastic waste is a global problem. Global plastic production is forecast to increase from 9.2 billion tons in 2017 to 34 billion tons by 2050, and according to data since 1950, 7 billion tons plastic is dumped into landfills or became waste.

WHAT IS PLASTIC WASTE MANAGEMENT?

Plastic waste management is necessary for healthy environment. Plastic waste management is the activity undertaken to reduce the initial amount of plastic waste that is produced and with the help of circular economy and others disposing solutions. It ensures less plastic waste by recycling the waste plastic into reusable products. United Nations said that we need a systematic transformation to achieve the transition to a circular economy. Plastic is the most commonly used material all around. Almost all of the packing products and daily used things are made of plastic. With such enormous use, the plastic waste is increasing day by day. Plastic waste management is necessary for healthy environment. If the plastic is not managed properly, it has lots of ill effect on environment and as well as human health.

TYPES OF PLASTIC WASTE

There are 7 different types of plastic each with their own identification. Most of the plastics have the recycle icon with a number from 1-7 printed in between. These numbers relate to the type of plastic it is. Below are the 7 types of plastic:

1. "PETE: polyethylene terephthalate
2. HDPE: High density polyethylene
3. PVC: polyvinyl chloride



4. LPDE: low density polyethylene
5. PP: polypropylene
6. PS: polystyrene
7. OTHER”

These 7 types include

- 1.PETE: soft drink bottles, water bottles, cold drink bottles, cooking oil packing
- 2.HDPE: milk jugs, detergents, bleaching agents, shampoo bottles, washing and shower soap curves
- 3.PVC: foil wraps, fruit packings, trays etc
4. LDPE: crushed bottles, shopping bags, wrapping for snacks and other eatables
5. PP: furniture, luggage, toys as well as bumpers etc
6. PS: toys, hard packing, refrigerator trays, cd cases, vending cups etc.
- 7.OTHER: other plastic material including acrylic, polycarbonate, polylactic fibres, nylon, fiberglass etc

OF PLASTIC

Plastic word originally meant “pliable and easily shaped”. It only recently became a name for a category of materials called polymers. The word polymers mean of “many parts”. Polymers abound in nature. The first synthetic polymer was invented in 1869 by John Wesley Hyatt, this discovery was revolutionary. For the first time human manufacturing was not constrained by limits of the nature.

Later on, world-war 2 impacted a great expansion of plastic industry in the United States, as industrial might be proved as important to victory as military success. A time magazine article noted that because of war, plastics have turned to new uses and adaptability of plastics demonstrated all over again. In product after product, market after market plastic challenged the traditional materials and won taking the place of steel in cars, paper and glass in packaging, and wood in furniture.

PLASTIC AND HUMAN RIGHTS

Plastics also have serious impacts on people and their rights. Recent studies and reports have identified quite a large number of human rights impacts and outright violations throughout the lifecycle of plastics. Plastic waste is also polluting the rivers that are a source of drinking for us. The quality of drinking water is getting worse day by day due to pollution and plastic pollution is one of them which is resulting in various water borne disease. Drinking fresh water is our fundamental right but water contaminated by plastic violates our rights.

Plastic violates our right by toxic pollution released in manufacturing exposure to toxic additives in plastic consumer products, waste mismanagement, disinformation campaign about the risks and solutions to plastic pollution, and more, also vulnerable groups such as children, poorer communities, workers in the informal sector and small island developing states, are affected.

Also large amount of plastic waste in dumped in landfills. Wind carries plastic bags and other small plastic particles from one place to another thereby affecting the major soil fertility. It impacts the growth of plants, besides it, waste lying on the land breeds mosquitoes and other insects that are carriers of various illness.



It also harms marine life, as water creature consume the plastic contaminated in water.

It also harms animals, as animals consume their food from food waste thrown in garbage and they eventually consume plastic and fall sick.

CAUSES OF PLASTIC POLLUTION

There are various causes of plastic pollution read as under

1. **“Economic and easy to use:** It’s very affordable, durable and easy to use and that’s why it’s widely used.
2. **Non-bio degradable:**Plastic waste which is increasing by day is non -biodegradable, plastic waste doesn’t get disposed in soil or water, it remains in the environment for hundreds of years and adds to the land, water and air pollution.
3. **Plastic breaks but doesn’t dissolve:**Plastic break into tiny particles that make their way to soil or enter the water bodies, thereby contributing to the soil pollution and water pollution.”

INTERNATIONAL CO -OPERATIONS ON PLASTIC

As plastic is a global issue, international co-operations is needed to coordinate actions to have efficient decision making in order to tackle this major environmental problem.

A number of initiatives and activities exist aiming at addressing the plastic waste problem and eliminating plastic litter entering the oceans. A historical turn was reached at fifth UN environmental assembly (UNEA) in February 2022 as countries established a committee to develop an international legally binding instrument on plastic pollution by the end of 2024. The resolution specifies that the instrument could include both the Binding and Voluntary approaches.

EXTENDED PRODUCER’S RESPONSIBILITY (EPR)

“Extended Producer Responsibility (EPR) means the responsibility of a manufacturers of plastic carry bags and multilayered plastic pouches and sachets and the brand owners using such carry and multilayered plastic pouches and sachets environmentally sound management of the product until the end of its life”. Extended Producer Responsibility (EPR) is an important concept in sustainable waste management, and it is particularly relevant in India, where the amount of waste generated is growing rapidly. PWMR 2016 casts EPR on Producer, Importer, and Brand Owner and shall be applicable to both pre-consumer and post-consumer plastic packaging waste. EPR is defined under Sec 3(h) of PWMR 2016 as “the responsibility of a producer for the environmentally sound management of the product until the end of its life”. The PWMR amendment Rules 2022 lays down guidelines providing framework for implementation of EPR. Under EPR, producers of plastic packaging are required to take responsibility for the post-consumer plastic packaging waste that is generated after consumption of the products. This approach shifts the burden of responsibility from the local authorities to the producers and brand owners, which can help to reduce the burden stress on municipal waste management systems. The producers and brand owners are required to establish a system for collecting back the postconsumer plastic waste generated by their products and ensure that targets for recycling of plastic packaging waste collected is met at the end of each financial year.

JUDICIAL INTERPRETATION

The judiciary has shown its deep concern for the protection of environment from hazardous and solid waste. The judiciary has kept in mind that the need of industries to carry on hazardous activities as they are needed for national development. At the same time the



judiciary has emphasised that if any hazardous results in any environmental pollution, then it must compensate for restoring to its original stage. The emphasis of judiciary has been on sustainable development and it has strictly applied the precautionary principle as well as the polluter pays principle.

The environmental imperative is ultimately a matter of public, and private rights and duties and interests of future generation, which are not available as negotiable commodities to be purchased at any going rate. Through the judicial development law is vigorous and imaginative, at times it may be found wanting. The least that the court may do it to examine whether appropriate considerations are borne in mind by the authorities concerned in the appropriate cases, the court may go further but how much it will depend on circumstances of the case.

Supreme court justice has called upon stakeholders to come up with the new ideas to end plastic menace, what he said was putting tremendous burden on earth and posing a threat to future generations. He also talked about 3-R rule of reducing the usage of plastic.

1. In “**RURAL LITIGATION v. STATE OF U.P.A.I.R. 1985 SC**, In this case, hon’ble court firstly held that Right to live in healthy environment is part of Right to life.
2. In **M.C. Mehta v. Union of India**, In this matter, the supreme court the question of liability of an enterprise, which is engaged in an hazardous or inherently dangerous activity.
3. In “**Aditya Dubey v. Amazon Retail India Private Limited NGT, Principal bench, new delhi no. 997/2019**, In this case, These applications seek enforcement of ‘**Extended Producer Responsibility**’ under the Plastic Waste Management Rules, 2016. The first petition seeks enforcement of the liability. 4. In **AMIT JAIN v. UNION OF INDIA**, paper should be covered under **Extended Producer Responsibility(EPR)** as per clause 13(2) of PWM Rules, 2018. Vide Rule 9 of PWM Rules, 2016, which deals with **responsibility** of producers, importers and brand owners and **extended producer responsibility**, which is the primary **responsibility**.

5. In **ADITYA DUBEY (MINOR)... v. COCA-COLA INDIA PVT Writ no.1135/2020 SC ON 17NOV.2021.... Extended Producer Responsibility(EPR)** under the Plastic Waste Management Rules, 2016 (PWM Rules, 2016). The first petition seeks enforcement of the liability against Amazon and Flipkart using excessive.... However, they have not provided information for evidence based assessment of implementation of Action Plan for fulfilment of **Extended Producer Responsibility (EPR)** liability.

CONCLUSION

Thus, Plastic Pollution has become common everywhere. Plastics are widely used in different applications regarding from water bottles, food packaging, construction material etc. It has become an integral part of our daily life. The accumulation of synthetic plastic products in huge amount in Earth’s environment is called plastic pollution. We discard thousands of tons of plastics every year, only a small amount of this gets recycled. The unmanaged plastic waste has become a serious issue. Lots of plastics gets accumulated in oceans, many aquatic animals eat them, which lead to suffocation and death. In spite of clear legislative measures, judicial approach and public awareness program the prevention of plastic waste seems to be a distant dream. We should educate other people about plastic pollution and its harmful effects. These problems need to be addressed programmatically, with our eyes wide open to make a plastic free world. It’s now alarming to take immediate actions. However, solution of this problem is only possible if we all contribute a bit as responsible human beings. We must take major steps to prevent it by raising awareness, reducing plastic consumption, improving recycling and plastic waste management practices, implementing government policies, fostering industry responsibility, engaging a little and promoting research and innovation.



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