

HAZARDOUS WASTE (MANAGEMENT & HANDLING) RULES, 1989 (Amended in 2000)

- The powers conferred by Sections 6, 8, and 25 of the Environment (Protection) Act 1986, the Central Govt. has made the following rules relating to hazardous wastes management and handling excluding waste water and exhaust gases (covered under Water Act 1974 and the Air Act 1981) and the waste arising out of the operation from ships beyond 5 kilometers (Merchant Shipping Act 1958). Radio-active wastes are covered under the provision of the Atomic Energy Act 1962.
- Occupiers generating hazardous wastes are given a list and they should take all practical steps to ensure that such wastes are properly handled, i.e. collection, reception, treatment, storage, and disposed of without any adverse effects to human health and environment (Rule 4). Such occupier shall apply for authorisation in prescribed format to the State Pollution Control Board or Committees of UTs (Rule 5). After appropriate and satisfactory verification of facilities the authorisation may be granted for a period of 2 years that would be subjected to the conditions and shall be renewed before expiry. State Pollution Control Boards have power to cancel the authorisation or suspend if it is found that the occupier is not following the Provisions of Rules. State government shall maintain the inventory of disposal sites and shall publish from time to time. The occupier shall maintain records of all operations and report to the State Boards. All accidents related to the hazardous waste shall not be permitted for dumping or disposal from other country except to those wastes which are examined and approved by the State Pollution Control Boards. However, such permission shall be communicated to the Central Government. Ministry of Environment and Forest (Rule 11[1.2]). However, Supreme Court has directed "No import should be made or permitted to be made by the Government of any hazardous waste material which was already banned under the International Basle convention or to be banned by the convention hereafter with effect from the date specified therein".
- At present there are approximately 9000 units in the country which utilise hazardous wastes and nearly 10,000 authorisations for import of hazardous waste were made by the Government. Till now, not a single waste disposal site has been located in the country so far.
- The Chemical Accident (Emergency Planning, Preparedness and response) Rules, 1996 under the Environment (Protection) Act, 1986 are framed. The Rules provide for mandatory preparation of On-Site Emergency Plans by the industry and Off-Site Plans by the district collector and the constitution of four tier crisis groups at the centre, district, and local levels for the management of chemical disaster.

References

Gazette of India, Hazardous Waste (Management & Handling) Rules 1989. Govt. of India.

Ministry of Environment and Forest. "Chemical Disaster Prevention Day." The Hindustan Times 4th December 2001.

Tiwari HN. Environment Law. Allahabad Law Agency. Faridabad, Haryana 1997.

The Times of India, New Delhi 7th May 1997.

State Government appoint Commissioners to investigate and solve every case for workmen's compensation. The appointed Commissioner's tribunal has some of the powers of a civil court. An appeal against any order of the Commissioner can be filed in the High Court. This must be done within 60 days of the order or decision of the Commissioner.