

IMPLEMENTATION OF THE LAW ON SOLID WASTE MANAGEMENT IN SRI LANKA

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Introduction

Sri Lanka is a beautiful island in the Indian Ocean. Though it is true, there are some deleterious factors which caused to destroy that beauty. Among them disposal of solid waste is a major environmental issue. At present in Sri Lanka, it has become a national concern. Therefore management of solid waste is essential to overcome the problems related to solid waste.

What is the solid waste?

Solid Waste can be described as materials which are generated from the result of human daily activities in the places like households, public places and city streets, shops, offices and hospitals. Solid waste generators can be categorized in to eight such as residential, industrial, commercial, institutional, construction and demolition, municipal and agricultural solid waste. Municipal solid waste is a term usually applied to a heterogeneous collection of wastes produced in urban areas and the nature of the municipal solid waste varies from region to region. Further, urban wastes can be categorized into two major components namely organic and inorganic. The organic components of urban solid waste can be identified under three broad categories such as putrescible,

fermentable, and non-fermentable. Putrescible wastes tend to decompose rapidly and unless carefully controlled and decompose with the production of objectionable odors and visual unpleasantness. Fermentable wastes also tend to decompose rapidly, but without the unpleasant accompaniments of putrefaction. Non-fermentable wastes tend to resist decomposition and break down very slowly.

At present, higher percentage of people lives in the cities and also the rate of urbanization is increasing rapidly. Therefore it caused to increase the challenges to waste disposal. In Sri Lanka there are 341 local authorities. Among them 24 are Municipal Councils, 41 are Urban Councils and 276 are Pradeshiya sabha. Waste collection and waste disposal is happening in all the municipal council and urban council. It is estimated that over 6400 tons per day of solid waste are generated in Sri Lanka (Visvanathan, 2006).

Solid waste, especially Municipal Solid Waste is a growing problem in urban areas of Sri Lanka and this problem is aggravated due to absence of proper solid waste management systems in the country. At present in many instances solid waste are collected in mixed state and being dumped in environmentally very sensitive places like road sides, marshy

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lands, low lying areas, public places, forest and wild life areas. It causes to numerous negative environmental impacts such as ground and surface water pollution, air pollution and etc.

How to Manage Solid Waste?

Integrated solid waste management refers to the strategic approach to sustainable management of solid wastes covering all sources and all aspects, covering generation, segregation, transfer, sorting, treatment, recovery and disposal in an integrated manner, with an emphasis on maximizing resource use efficiency. The major Integrated Solid Waste Management activities are waste prevention, recycling, composting and combustion and disposal in properly designed, constructed, and managed landfills (USEPA, 2002). Recycling is a process that involves collecting, reprocessing, and recovering certain waste materials to make new materials or products. Composting is considered as the conversion of waste materials into soil additives. Recycling and composting generate many environmental and economic benefits. Disposal is done to manage waste that cannot be prevented or recycled. One way to dispose of waste is land filling. In here place the waste in properly designed, constructed, and managed landfills, where it is safely contained. Another way to handle this waste is through combustion. Combustion is the controlled burning of waste, which helps to reduce its volume.

An effective integrated solid waste management system considers how to prevent, recycle, and manage solid waste in ways that most effectively protect human health and the environment. Integrated solid

waste management has been strongly promoted by the Ministry of Environment, Central Environmental Authority and various governmental and non-governmental organizations in the country. Not only that, Integrated Waste Management is an approach that is most compatible with an environmentally sustainable development. It refers to the complementary use of a variety of practices to safely and effectively handle municipal solid waste.

Important Laws and Regulations related to Solid Waste Management in Sri Lanka

As in many other developing countries solid waste has been identified as one of the main environmental issues in Sri Lanka. As a medium for the growing of solid waste, some laws are implemented.

In 1862, when the British administered the country, the first piece of legislation pertaining to waste management was introduced in Sri Lanka. The first law was implemented through the Nuisances Ordinance (No.15 of 1862) which was subsequently amended (No.61 of 1939; No.3 of 1946; No.57 of 1946). The rest of the legislations were introduced in 1939 through Urban Council Act (No.61) and in 1947 through the Municipal Council Act (No.16). Pradeshiya Sabha Act No.15 of 1987 is also important regulation in solid waste management. These Acts and Ordinances state that the local authorities are responsible for proper removal of non-industrial solid waste and for providing suitable dumpsites. Furthermore in Sri Lanka, the basic legal framework required for municipal solid waste management is provided under the

central government, provincial council and local authority regulations and legislations. The necessary provisions are given under the sections 129(duty of council as to conservancy and scavenging), 130 (all refuse collection to be the property of council) and 131 (places for disposal of refuse and for keeping equipment) of the Municipal Councils Ordinance (1980), Sections 118 (duty of council as to conservancy and scavenging), 119(all refuse collection to be the property of council.) and 120 (places for disposal of refuse and for keeping equipment) of the Urban Councils Ordinance, No. 61 of 1989, Sections 41(power to throw rubbish upon adjacent lands) and 93(duty of Pradeshiya Sabha as to conservancy and scavenging) to 94 (all refuse collected to be property of Pradeshiya Sabha) of the Pradeshiya Sabha Act, No. 15 of 1987 and the 13th Amendment to the constitution (1987) and the Provincial Councils Act No. 42 of 1987.

According to the Municipal Council Ordinance, the Urban Council Ordinance and the Pradeshiya Saba Act, all municipal solid waste generated within the boundary of local authorities is their property, and they are mandated to remove and dispose of such waste materials without causing any nuisance to the public. This implies that of all the municipal waste management functions in Sri Lanka, the most daunting remains waste collection such as the process of gathering waste from places of generation and storage, and transporting them to where they are stored, treated or disposed (Batuwitage, 2004).

In the case of *M.M. Khalid and 3 others vs. Chairman of Sri Jayawardenapura-Kotte Urban Council* (1996) Vol.3, part III SAE LR p. 62, action was brought under section 98 of Code of Criminal Procedure Act No 15, 1979 by residents of Senanayake Avenue against the chairman of the Jayawardenapura-Kotte Urban Council. They claimed that the Urban Council was dumping garbage in the vicinity of Senanayke Avenue which is a residential area causing public nuisance. The court stated that under section 120 of the Ordinance the garbage must be disposed in a manner which does not cause nuisance. Further section 220 which requires one month's notice to be given to the Urban Council regarding any action, has no application to an action under section 98 of the Code of Criminal Procedure Act. The court stated that a nuisance cannot be excused under section 261 of the Penal Code and rejected the Urban Council's claim and made the conditional order absolute.

In addition to those, one of the important laws and regulations with regard to solid waste is the National Environmental Act No 47 of 1980, which restricts the emission of waste materials into the environment. The Central Environmental Authority was established under provisions of the National Environmental Act, No. 47 of 1980 and it states the responsibilities and powers of the Central Environmental Authority. Further, National Environmental (Amendment) Act, No. 56 of 1988 and National Environmental (Amendment) Act, No. 53 of 2000 have amended the sections in main act giving more concern towards the waste. And also, the Gazette No. 1466/5 ordered regulation for the

materials coming under polythene or polythene products.

Furthermore, special regulation, No 1627/19 (2009) made by the Minister of Environment and Natural Resources under Paragraph (h) of Sub-section (2) of Section 32 (2) (h) of the National Environmental Act, No. 47 of 1980 which is clearly mention about the Municipal Solid Waste Special regulation. According to the National Environmental (Municipal Solid Waste) Regulations, No. 01 of 2009, no person shall dump municipal solid waste along sides of any national highway; No person shall dump solid waste at any place other than places designated for such purpose by the relevant local authority or any person or body of persons authorized by them in that behalf and any person contravening the provisions of this regulation shall be guilty of an offence punishable under Section 31 of the Act. 3. In addition to that it includes that, no person shall collect or cause to be collected any municipal solid waste from any designated place along the national highway, other than during the hours of 6.00 p.m. to 6.00 a.m. and also it provides that the collection of domestic waste may be carried out by any person or body of persons authorized in that behalf, from the respective households, during the hours of 6.00 a.m. to 6.00 p.m.

Not only that, Ministry of Environment prepared the national strategy for solid waste management in 2000, which recognized the need for solid waste management from generation to final disposal through a range of strategies, based on the 3-R principle: reduce, reuse and recycle. This was superseded by a national policy for solid

waste management prepared in 2007 to ensure integrated, economically feasible and environmentally sound solid waste management practices for the country at national, provincial and local authority level.

Centre for Environmental Justice Vs Central Environmental Authority & three others.

This case was filed in the Supreme Court against violation of fundamental rights by the unnecessary garbage dumping management of the government of Sri Lanka. Petitioners have complained to the court about dumping of garbage all over the country and called for the formulation of a national policy on garbage dumping. Specially, in this case Meethotamulla incident is cited as adverse impact of unnecessary garbage plan. Petitioners further states to the court that unnecessary garbage dumping influences right to life, right to healthy environment.

Further, a major activity that bounded from the national policy is the setting up of the Pilisaru Programme in 2008 to solve the solid waste problem at the national level, the central environmental authority, with the concept of reusing the resources available in the collected garbage to the maximum before final disposal. It is empowered to take legal action against those local authorities that are not managing their solid waste properly. Pilisaru is a successful integrated urban planning approach to solid waste management in Sri Lanka. Ministry of Environment & Natural Resources of Sri Lanka has launched a national level solid waste management programme with the participation of other government organizations, specially urban development

authority, private institutions, NGOs & experts in this field (Dasanayaka, 2009). There are five main objectives in the Pilisaru Program such as development of a national policy on solid waste management development of a national strategy on solid waste management, effective education & awareness for all stakeholders on solid waste management including training & capacity building and legal reforms to strengthen effective law enforcement.

Discussion

One of the main issues in Sri Lanka is national level strategy on solid waste management, provincial level policies and strategies are not adequately harmonized with the needs and capabilities of the local governments. And also, current conventional approach of solid waste management system is more concern on collection and disposal, disregards on reuse and reduction. This approach does not encourage the residents for an obligatory social partnership with the solid waste management.

In the other hand, the general public considers that solid waste management is a sole responsibility of municipality. They think that the whole waste which is disposed should be collected by government anyhow. That means the general attitude of the public is “we dump then they collect”.

Further, one of the main issues of Sri Lankan context is mixed state solid wastes dumping which lead the problem of separating, reusing and recycling the wastes. The final disposal of the all waste in open dumps in the country is more than 95 %. Open dumps are generally low lying degraded land which are state

owned and are used only for flood retention. In some parts of the country even privately owned lands are used for open dumping. These dumps are used to dispose every kind of waste such as industrial waste, municipal solid waste, hospital and clinical waste, slaughterhouse waste altogether without any segregation.

Meethotamulla garbage dump was a mountain of garbage over 16 acres that collapsed on 14th April 2017 killing 19 people. Massive protests followed this event asking the government to find a different solution to solid waste problem. After the Meethotamulla incident, the Colombo Municipal Council started disposing waste at sites in Muthurajawela sanctuary and Kotikawatta dumping grounds. The decision to deposit garbage at Muthurajawela is contrary to the ‘Ramsar Convention on Wetlands of International Importance’ concluded at Ramsar, Iran in 1971 and also it was declared as a sanctuary by the government in 1996 in recognition of its vast bio-diversity. Nevertheless this declaration will serve no purpose if garbage were allowed to be deposited as it will destroy the ecosystem. The issue was challenged in court by people and a non-government organizations and as a result discussions to formulate a national policy on waste management by the Ministry of Mahaweli Development and Environment were started in January 2018. However the policy makers have turned their attention to waste to energy solutions and other probable answers to this problem. Because the protection of the environment is essential for the sustainable development of a country.

Additionally, more focused on solid waste management in Sri Lanka is given for the land filling. But it should be the last option of solid waste management. However, this has become the conventional approach in Sri Lanka, because the easiness of the option. In addition to this, lacks of financial and human resources in councils, solid waste issues are increased and lead towards the ineffective management. Because priority is not given for the solid waste management still in Sri Lanka, national to local level. Further, officers engaged in solid waste management have no enough training and knowledge in solid waste management. Accordingly, most of the local authorities have no inbuilt capacity to formulate, establish and run proper waste management plants due to lack of infrastructure facilities such as machinery, equipment, professional staff and skilled labor. Moreover, sufficient funds are not available for operations relating to separation, composting, recycling and disposal as well.

Therefore it can be understood very clearly that though there are good policy frames as discussed in the above section, still issues remain, because the implementation and monitoring of those waste management actions are not efficiently and effectively functioning. Still Sri Lankans, top to grass root level are not aware about why we actually need to manage waste. Therefore, Sri Lankans need an attitudinal change. Further, though there are awareness programs, it is essential to think to what extent they are inculcated in people's minds and hearts. Pilisaru Project is one of the best examples in Sri Lanka. But, still it is not widely spread

and implemented effectively and efficiently around Sri Lanka as expected.

Though there are number of policies, statues, strategies to minimize the disposal of solid waste, it increases day by day. It indicates that the failure of current mechanism in Sri Lanka. The thing is that, the mind of the people should be made. There should be a change in people's attitudes towards the nature friendly situation. Sri Lankans have inherited a long history and a rich culture with noble values for the protection of the environment. In a landmark judgment of the International Court of Justice in the Danube River Basin Case, Judge C. G. Weeramantry adopted the principle enunciated by Arahata Mahinda to King Devanampiyatissa "*great king, the birds of the air and the beasts have as equal a right to live and move about in any part of the land as thou. The land belongs to the people and all living beings; thou art only the guardian of it*". It conveys the message that since the King is not the owner of the land, but only its trustee, his duty is to protect and preserve it for the benefit of all living beings. If the attitude of general public and their thoughts can be built like this, rules and regulations, laws and statues are not wanted to implement moreover.

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