

Bill No. 37 of 2023

THE WASTE (DISPOSAL AND MANAGEMENT) BILL, 2023

By

SHRI MANOJ KOTAK, M.P.

A

BILL

to provide for establishment of Regional Waste Disposal Management Cluster for waste management in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Waste (Disposal and Management) Act, 2023.

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Committee” means the Inspection and Promotion Committee constituted under section 5;

(c) “municipal authority” means Municipal Corporation, Municipal Committee, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee (NAC) or any other local body constituted under the relevant statutes and entrusted with the responsibility of management and handling of municipal solid wastes; 5

(d) “prescribed” means prescribed by rules made under this Act;

(e) “Regional Cluster” means the Regional Waste Disposal Management cluster established under section 3;

(f) “segregation” means separation of municipal solid wastes into organic, inorganic, bio-degradable, non-biodegradable, recyclable and non-recyclable waste and hazardous wastes; 10

(g) “waste-energy plants” means plants where solid waste is treated using different techniques to produce any form of energy; and

(h) “waste generating unit” means any entity, household or large manufacturing facility where waste is generated and which require waste disposal. 15

Establishment
of Regional
Waste
Disposal
Management
Cluster.

3. (1) The appropriate Government shall establish Regional Cluster, to be known as the Regional Waste Disposal Management Cluster for every ten cities under their respective jurisdiction to ensure collection and waste management in such manner as may be prescribed.

(2) The Regional Cluster established under sub-section (1) shall be utilized for,— 20

(a) segregation of waste;

(b) transportation of re-cyclable waste to waste-energy plants; and

(c) disposal of non-recyclable and non-biodegradable wastes.

(3) The eighty per cent. of the expenditure in relation to establishment of Regional Clusters in the States shall be borne by the Central Government and rest of the twenty per cent. by the State Government concerned and expenditure in relation to Union territory shall be borne by the Central Government. 25

Duty of the
municipal
authority.

4. It shall be duty of the Municipal authority to—

(a) collect and segregate waste from the waste generating units;

(b) transport the re-cycled waste to the waste-energy plants and non-recyclable waste and non-biodegradable waste to the Regional Cluster. 30

Constitution
of Inspection
and
Promotion
Committee.

5. (1) The Central Government shall constitute a Committee to be known as the Inspection and Promotion Committee for the purposes of operation and management of Regional Clusters.

(2) The Inspection and Promotion Committee shall consist of,— 35

(a) the Prime Minister of India who shall be the *ex-officio* Chairperson of the Committee;

(b) the Union Minister of Housing and Urban Affairs *ex-officio* member;

(c) one representation of NITI Ayog to be appointed by the Central Government as member; 40

(d) four member of Parliament out of which two shall be from the House of the People and two shall be from the Council of the States to be nominated by the presiding officer of the Houses concerned as members;

(e) an expert from the field of Waste Management as member; and

(f) an official from the Indian Administrative Service or equivalent to be appointed by the Central Government who shall be the member-secretary of the Committee. 45

(3) The Committee shall meet at least twice in a month:

Provided that the Committee may meet as and when decided by the Chairperson.

(4) The Union Minister of Housing and Urban Affairs shall provide secretarial assistance to the Committee. 50

Functions of
the
Committee.

6. The Committee shall,—

(a) ensure the establishment of Regional Cluster;

(b) ensure that the persons at the Regional Cluster are trained and aware about the modern technique of the waste disposal;

(c) ensure that expenditure involved in the establishment of Regional cluster is made available;

5 (d) ensure that all urban areas of the country have access to the Regional Cluster;

(e) provide employment opportunities to unorganized worker and small entrepreneurs at the Regional Cluster;

(f) inspect that the municipal authority transports the segregated wastes to the Regional Cluster; and

10 (g) promote use of re-cycleable waste.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide requisite funds.

15 8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in derogation of any other law.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

20 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment
25 shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Every year India generates 62 million tonnes of waste. Of these, about 43 million tonnes (70%) is collected and about 12 million tonnes is treated and 31 million tonnes is dumped at landfill sites. With changing consumption patterns and rapid economic growth, it is estimated that urban waste generation will increase to 165 million tonnes by the year 2030. Most of the dumps or waste disposal sites in India have exceeded their capacity and the upper limit of 20 metres. It is spread over a total of 47,456.66 acres of land in the country. The total weight of this waste pile is 18.67 crore tonnes.

Under the Swachh Bharat Mission the municipal corporations are asked to prepare and send action plans for biological disposal of the legacy landfill. This waste is later disposed of as fuel and organic soil. These are used in road construction and other works. When the waste dump is removed, the Municipal Corporation plans an alternative use of that land. According to the data, there is about 47 thousand acres of such land in the country.

It is a matter of concern that there is no plan yet for the disposal of this waste. It is spread over a total of 47,456.66 acres of land in the country. There is already scarcity of land in the cities of the country. People are forced to live hellish life in less space. Due to its spread in every city, there is always a danger of spreading of the epidemic from waste. There is also no uniformity in waste disposal as all cities deal with waste in their own way in which there is a lot of economic expenditure along with the labour force.

Therefore, creation of Regional Waste Disposal Management Cluster is highly necessary. With the creation of Regional Waste Disposal Management Clusters, the burden of waste will not accumulate on any one city. Waste can be disposed of in less portions of land, due to which the people of the city will be able to get land for housing which is currently covered with waste. There will be no fear of spread of epidemic and bad smell.

Rising incomes, rapid but unplanned urbanization and changing lifestyles have resulted in an increase in the amount of waste in India and changes in its composition (with increased use of paper, plastic and other inorganic material). Improper waste management in India has many effects on the environment and health. There is a need to formulate a long-term strategy to address the future challenges of solid waste management in Indian cities with a focus on addressing the environmental and public health hazards resulting from the current state of solid waste management.

Governments are working at every level regarding the construction of smart cities in the country and cleanliness under the Swachh Bharat Mission. However, as the population is increasing, so is the amount of waste. The waste coming out of homes and factories is posing a big problem in the cities. Meanwhile, shocking figures are revealed regarding the waste. According to them, there are a total of 1854 large waste piles or landfill sites in the country. Months old waste has accumulated at these places. This is called the legacy landfill. Of these, more than 50 per cent of the legacy landfill sites are located in five States only. It means that maximum amount of waste has been piled up in these five States. There is no plan either for its disposal. Out of total 1854 legacy landfill sites, 591 legacy landfill sites are present in 5 States. Karnataka has 136 legacy landfill sites. There are 128 legacy landfill sites in Rajasthan. Andhra Pradesh has 115 legacy landfill sites. There are 111 legacy landfill sites in Madhya Pradesh and 101 in Telangana. The second phase of the Swachh Bharat Mission-Urban has been launched by the Central Government. It aims to make the cities waste free. Also, under the mission, a target has been set to dispose of the legacy landfills in the cities by the end of five years. A target has been set for its completion by 2026.

A dashboard has also been launched in this regard since 28 November 2022. It is updated continuously. This happens when an action plan is prepared by the cities and sent to the ministry through the State Governments. According to the data available till 4.30 P.M.

on December 6, there are a total of 1854 legacy landfills in the country. It is spread over a total of 47,456.66 acres of land in the country. The total weight of this waste pile is 18.67 crore tonnes.

Solid waste management practices in most urban areas in India suffer from great inefficiencies; along with this they suffer from other administrative constraints like problem of decision making and cost planning. Municipal bodies functioning under the State Government are often short of staff, while most of their financial budget is spent on waste dumping exercises. In addition, many municipal bodies hire private contractors for waste collection and disposal with the aim of making a profit.

There is a lack of awareness among a large section of the population about the segregation of household waste. Failure to properly segregate trade waste leads to its mixing in landfills. Waste materials such as food scraps, paper, plastic and liquid waste mix and decompose, leaching contaminated water into the soil and releasing harmful gases into the atmosphere.

In most of the cities in India, waste is dumped near the villages on its outskirts which affects the environment of the villages and creates many health hazards. Due to this rural-urban conflicts are arising. There is a need to develop a system of Extended Producer Responsibility in India to ensure that product manufacturers are made financially liable for different parts of the life cycle of their products. It involves the return, recycling and final disposal of products at the end of their useful life cycle and thus promotes a circular economy.

In view of the above, the Bill seeks to establish Regional Waste Management Cluster so that proper disposal of waste can be done by creating a waste disposal management cluster at the regional level.

Hence this Bill.

NEW DELHI;
January 23, 2023.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Establishment of Regional Waste Disposal Management Cluster. Clause 5 provides for the constitution of Inspection and Promotion Committee for the purposes of operation and management of Regional Clusters. Clause 7 provides for Central Government to provide requisite funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to provide for establishment of Regional Waste Disposal Management Cluster for
waste management and for matters connected therewith.

(Shri Manoj Kotak, M.P.)