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A Critical Legal Analysis of the Plastic Waste Management Rules, 2016: Are they Effective in India?

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ABSTRACT

Thus, the problem of plastic waste in India is massive, but it is a problem that we all talk about whenever we mention a growing metropolis and consumerism. In the framework of the contemporary environmental laws, the Indian government resolved to intervene with the Plastic Waste Management Rules, 2016, under the Environment (Protection) Act of 1986. Such regulations attempt to control the manufacture, use, recycling and disposal of plastic unloading the burden onto producers, manufacturers, brand owners and local governments. It is my paper which discusses how efficiently these Rules address plastic pollution. It examines closely the regulatory system, implementation, the place of the Extended Producer Responsibility (EPR), as well as encroaching on practical issues of concern to authorities and local agencies such as ineffective infrastructure, lax enforcement, and poor compliance and regulatory loopholes. The conclusion, Even though it is a move in the right direction, the Rules are quite limited since there is poor enforcement and implementation barriers that are embedded in the system.

I. INTRODUCTION

Thus, nowadays plastic can be found everywhere, it even makes sense, as it is cheap, powerful, and flexible, that is why we can see it splashed all over packaging, manufacturing, healthcare, etc. The downside? We have taken highways with one swab of single-use components, and that has left an enormous mess the world over. Plastic does not decompose in centuries, accumulating in heaps in the landfill and lakes, as well as in places of habitat. The high rate of population growth, the urban population soaring out of their beds and us, changing the way we make purchases is the Indian population have literally blown up the quantity of plastic waste we leave behind annually. We read on environmental reports that India produces millions of tonnes of plastic annually and much of it does not get collected or disposed properly. This is a grave concern concerning sustainability, human health and the balance of nature. This has a complete environmental backlash. Dumping plastic pollutes soil, water, it inhibits drainage also,

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dumping plastic bites marine life, fish eat it or tangle in it. Plastic emits ugly toxins when burnt that poison the atmosphere and damage humans and animals. Micro-plastics are even creep into food, water, and even the human body proving to be how bad the situation is becoming. The pressures have compelled governments across the globe to restrict policies on plastic waste. In India, our constitution is associated with the need to conserve the environment and enhance sustainability. Article 21 has been interpreted by Supreme Court to include a right to a clean environment, whereas Articles 48a and 51a(g) have placed on the government and citizens their responsibility to preserve nature. The Indian government implemented Environment (Protection) Act, 1986 rules to address the increasing risk of plastic waste. Plastic Waste Management Rules of 2016 helped make a great leap, as they restricted plastic manufacturing, consumption, and waste management. Those regulations substituted the 2011 one and expanded the field of responsibility, placing producers, importers, and brand owners at a new level of responsibility, known as Extended Producer Responsibility (EPR). They also have compelled the rural territories to be covered, increased the minimum thickness of plastic bags to promote their reuse and prohibited some products. All these were to reduce plastic waste and drive greener ways. Although the rulebook is rather progressive, in fact, implementing the rule is still painful. The missing links in infrastructure, a weak monitoring system, manufacturers not obeying the rules and the population being out of the loop are the issues at hand. That is why we should look deeper and estimate whether the rules are striking the nail on the head or necessary further reforms should be provided.

II. THEMATIC DISCUSSION

Plastic waste is becoming one of the biggest environmental headaches in the world and India is a big player in the same. Blistering development of markets, urbanization, massive dependency on plastic packaging have all contributed to the increase in plastic garbage. Plastic is persistent as it is light and tough and cheap and yet, it is non-biodegradable, which creates serious ecological hazards. Mostly during classes, we encounter plastic dumps in landfills, rivers and oceans and the consequent damage. A formidable legal framework is required to regulate plastic waste and that is what bred the Rules.

The Plastic Waste (Management and Handling) Rules, 2011, were present in the country before 2016. Those regulations received much criticism as they primarily targeted the city councils and did not literally place the ball in the manufacturers and producers hands. The use of plastic expanded making the poor structure apparent. Therefore, to the Act of 1986 followed the Rules of 2016 under which the government intervened.

The 2016 Rules are a huge upgrade. These include the concept of Extended Producer Responsibility (EPR) or the belief that the manufacturing companies, importers, and brand proprietors should collect and discard the plastic material that they produce. This gets the burden off the local bodies onto the manufacturers. It will also compel them to consider long-term packaging and buy recycling facilities.

The other mega achievement is that the 2016 Rules have become applicable to both rural and urban areas, as opposed to cities. Up till now, efforts were almost centered on the urban local bodies but with packaged goods, rural plastic generation have increased. So the Rules are devoted to full-country coverage.

The Rules also impose limitations of plastic carry-bags. An example of this is the increase of the minimum thickness requirement to make people recycle and minimize litter. Recycled plastic bags should not also be used to pack the food. These measures are meant to save the health of the people and ensure sensible usage.

With these improvements, the Rules continue to be limited due to implementation issues in the real world. The first thing that we learn is the absence of adequate waste handling facilities. Local governments lack the funds, expertise and facilities to treat plastic waste appropriately. A large part of the population in many cities does not have recycling facilities, waste segregation systems, or effective collection mechanisms and hence much of the plastic is found in landfills and open grounds.

The other impediment is the laxity in enforcing the laws. Although the Rules hold the producers and brand owners responsible, the majority of companies do not completely develop the necessary systems of collecting and recycling plastic. The monitoring and enforcement are poor due to a lack of office resources and coordination issue among the regulators. It is due to this that in most cases producers remain non-compliant with EPR.

The role of local authorities also plays an important part. City authorities establish waste collection systems, impose waste sorting in the household, and liaise with waste collectors. However a number of local governments have large financial and operational limitations. Waste management is normally very small in its budget and infrastructure is not enough. The concept of recycling trash on-site is yet to sink in many cities at all - and that is a huge hit on the bang-on recycling effectiveness.

It is also a big deal with public awareness and those behavioral habits. Until a new day, loads of us continue bending over single-use plastics, they are cheap and can be easy. The attendance of appropriate waste segregation and recycling is still quite low despite the unit awareness

programs and product prohibitions established by the government. Community that fails to jump on the bandwagon means that even the best crafted rules will not strike their target.

The other tangle that intrudes the Plastic Waste Management Rules is the lack of coordination among the different agencies. The Indian environmental system is made of a multitude of players the Ministry of Environment, Forest and Climate Change, State Pollution Control Boards, local municipal bodies, etc. when their responsibilities get mixed, and these bodies fail to get things moving, enforcement becomes questionable.

Third party intervention in courts has been a literal game changer. It is the pedal to the floor as courts continue to demand of the governments and regulators to raise their game and put the laws to the letter and ensure they keep the plastic pollution at bay. Such court actions have taken the entire system of governance to the next level and brought the problem of plastic waste to attention of more people.

The government has been implementing amendments and adjustments to the Plastic Waste Management Rules that exist. As an illustration, they have imposed a ban on some single-use plastics in order to reduce disposable use. Besides, new digital tools will be established to monitor compliance with Extended Producer Responsibility. Set to achieve increased initiatives on transparency, and accountability of the entire plastic waste scenario.

But significant shifts in the structure are what is actually required when it comes to sustainable plastic waste management. Recycling plants should be expanded, more funds should be directed towards waste-processing technology and the informal garbage collectors who ensure the plastics do not make it to the dumpsite should be formalized, insured and taken care of. That would greatly increase the efficiency of recycling.

Another lever is Tech innovations, New biodegradable substances, slick recycling technology, and circular-economy models will help to reduce plastic pollution. The government can support R and D of green materials and push industries to use greener materials rather than the common plastics.

Mechanisms of greater enforcement are also important. Government bodies are supposed to intensify/increase key on surveillance, impose punishment on un compliant players, and drive corporate responsibility. Demanding accountability and tracking of plastic waste streams in a more transparent way with the help of the digital platform can also enhance the functionality of the Extended Producer Responsibility.

Concisely, the Plastic Waste Management Rules, 2016 appear very good on paper with the producer responsibility, the limits on plastic bags, and an extended coverage. Nonetheless, with

the implementation, coordination, and the involvement of people failing to achieve the desired outcomes, all the progressive measures will be rather empty-handed in bringing the much-needed clean-up.

III. CONCLUSION

Plastic pollution has shared the first position among the 21st century environmental headaches. A sound regulatory framework is important in a boasting India whereby the industry, metropolises, and consumer habits are pushing the boundaries. The 2016 Rules were expected to increase legal and institutional control on plastic waste, drive recycling, and make disposal more environmentally friendly. By the addition of such concepts as EPR, increasing the responsibilities of the stakeholders, and liberalizing the territories, city and countryside, by the standards, it is a step in our arsenal of governance. An obvious victory was decentralization. The producers, importers, brand owners and the manufacturers are no longer left alone. Under EPR, manufacturers actually have to handle the entire life-cycle of their goods, including collecting it and recycling it as a matter of course rather than a law-by-seat-of-thumbs. The Pay-off is cleaner cities, less municipal demand, and less green consumption patterns. Less wasteful use is also something a policy is being pushed by stricter bag restrictions and heavier recyclable bags. But even that intellectual advancement is wobbly in the intellectual domain. There is uneven enforcement across the board due to the fact that most local bodies lack funds, technical expertise, and even physical means to conduct their work. We are yet to have systematic waste separation at the source and recycling is not efficient and costly. It is difficult to monitor the actual or not compliance of producers with the EPR as there is not enough ability to monitor it. The poor level of awareness and involvement of people is the largest gap in the system. Lack of alternatives Lack of alternatives Customers continue to lean on single-use plastics due to the convenience factor. Lack of people actively sorting out waste and recycling also means that the policies remain trapped in the paperwork. Therefore bottom line we require campaigns, education that actually reaches masses and inspires sensible decisions in normal lives.

Based on what I have heard and read in talk lectures and research articles, the role of informal sector, particularly waste pickers and recyclers in the management of plastic waste in India is significant. These individuals are doing much of the major labor around collecting and recycling plastic yet they generally lack the rights or societal safety nets. Assuming they could be incorporated into official waste management, not only would we have higher recycling levels, but it would also improve the lives of the workers.

To sum it up, the 2016 Plastic Waste Management Rules were also a step toward a sound legal

framework to address the problem of plastic pollution in India. However, the ultimate show of strength is seen in the effectiveness of these regulations, how these institutions align, introduction of technology and the extent to which society is involved. The regulatory systems should be reinforced, waste management infrastructure should be improved, the use of alternatives to plastic that are more sustainable should be promoted and producers should be more accountable. In the end a concerted action of the government organizations, industries, civil societies, and everyday citizens are needed to achieve the goals of the Rules and move towards a more environmentally safe and less pollutant future of India.

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