

## CHAPTER 5

### Allocation of responsibility and accountability

***Objective 4: To assess whether various agencies involved in the process had been allocated clear responsibility and accountability for waste management and whether or not a mismatch/gap/overlap existed among the responsibility centers.***

Allocation of roles, responsibilities and accountability to agencies is important to ensure that the rules/laws are being implemented in line with the desired objectives. According to UNEP, one of the roles of state/provincial/regional governments in integrated solid waste is to establish agencies to implement and to regulate solid waste management practices. Thus, apart from policy and legislation, allocation of responsibilities to various actors for policymaking, implementation and monitoring in the waste management process is essential in securing the implementation of national legislation and policies. Audit findings with respect to allocation of responsibilities and accountability for waste management at the central level and at the level of the states are discussed below.

#### **5.1 Nodal body for waste management and policy making on waste issues**

According to UNEP, *“The national government should establish an environmental protection agency that includes a department that is responsible for solid waste management. This agency and/or department should be responsible for developing and updating environmental legislation and policies and monitoring and coordinating these activities at an international level.”*

##### **5.1.1 At the central level**

MoEF stated that it was the nodal body only for hazardous waste management legislation. However, CPCB stated that MoEF is the nodal agency for waste management legislation and it was the role of MoEF to bring legislations regarding waste management at the central level to protect the environment. Thus, MoEF takes ownership of management of hazardous waste only and there is no ownership of other kinds of waste like municipal solid waste, bio-medical waste, e-waste etc., for which it has, however, framed rules.

**In the absence of a single body taking ownership of waste issues in India, the efforts made to manage waste would largely remain ineffective.**

##### **5.1.2 At the level of the states**

###### **(a) Municipal solid waste**

Out of the 24 states sampled, it was observed that:

- In 54 per cent states, certain departments were assigned responsibility for municipal solid waste management. In *Assam*, certain specific departments were assigned responsibility for municipal solid waste management. In *West Bengal*, Department of Environment stated that PCB was allocated responsibility for management of municipal solid waste, whereas PCB stated it was the responsibility of the Department of Municipal Affairs and Urban

Development Department. Thus, no agency in *West Bengal* owned responsibility. In *Sikkim*, Urban Development Department and Housing Department had been assigned the responsibility and in *Delhi*, Department of Environment Management Services was allocated responsibility. In *Maharashtra*, the government had established the Solid Waste Management Cell. In *J&K*, *Rajasthan* and *Uttar Pradesh* urban local bodies were assigned this responsibility and in *Andhra Pradesh and Bihar* municipalities were assigned this responsibility. In *Madhya Pradesh*, PCB and district administration were assigned this responsibility. In *Gujarat*, the Gujarat Urban Development Corporation was assigned responsibility for municipal solid waste management.

- In 21 *per cent* of the sampled states, no agency was assigned responsibility for the management of municipal solid waste and in 25 *per cent* of the sampled states; records were not made available to audit to verify whether any department/body had been assigned responsibility for the management of municipal solid waste. List of states is attached in **Annexure 2**.

#### (b) Bio-medical waste

Out of the 24 states sampled, it was observed that:

- In 42 *per cent* states, responsibility for the management of bio-medical waste was allocated to the respective PCBs. Responsibility for management of bio-medical waste was not allocated to any body/agency in 21 *per cent* of the sampled states and in 37 *per cent* of the states, it was difficult to verify which body had been allocated this responsibility. List of states is attached in **Annexure 2**.

#### (c) Plastic waste

Out of the 24 states sampled, it was observed that:

- Responsibility for the management of plastic waste had been allocated to bodies in 37 *per cent* of the sampled states.
- Responsibility for the management of plastic waste had not been allocated to any body or agency in 38 *per cent* of the sampled states while in 25 *per cent* of the sampled states, it was not verifiable whether any body or agency had been assigned responsibility for the management of plastic waste. List of states is attached in **Annexure 2**.

#### (d) Hazardous waste

Out of the 24 states sampled, it was noticed that:

- Responsibility for the management of hazardous waste had been allocated to bodies only in 29 *per cent* of the sampled states.
- Responsibility for the management of hazardous waste had not been allocated to bodies in 25 *per cent* of the sampled states. In addition, it could not be verified whether bodies had been allocated responsibility for the management

of hazardous waste in 46 *per cent* of the sampled states. List of states is attached in **Annexure 2**.

**There was thus, some kind of uncertainty in MoEF/CPCB as to their exact role, and this uncertainty may not be conducive to providing effective leadership on these issues. At the state level, though different bodies were allocated responsibilities for the management of various kinds of waste, it was not clear whether there was a nodal body to deal with waste, as a single issue, in a holistic manner.**

MoEF replied in August 2008 that with regard to municipal solid waste, since the responsibility of municipal solid waste management was with the local urban bodies which were under the Ministry of Urban Development, it is suggested that Ministry of Urban Development may be designated as the nodal point for management of municipal solid waste. With respect to bio-medical waste, MoEF stated that it was the nodal body for all waste management legislations, in which CPCB acts as technical advisor. MoEF further added that since PCBs had been notified as the prescribed authority for implementation of the provisions of the bio-medical waste rules in the states, so PCBs had the responsibility for implementation of the provisions of the bio-medical waste rules and the management of bio-medical waste generated. With respect to plastic waste, MoEF stated that responsibility of “Implementation of Plastics Manufacture, Sale & Usage Rules, 1999 as amended in 2003” lies with the PCBs and that CPCB had taken initiatives for facilitating PCBs to take effective steps on plastics waste management.

The reply of MoEF needs to be viewed in the light of the fact that being the nodal body for pollution control issues, the onus for addressing all waste related issues rested with it. It is also pertinent to note here that MoEF wants the Ministry of Urban Development to be designated as the nodal point for management of municipal solid waste. However, MoUD had already stated that MoEF was the responsible ministry. This pointed to lack of clarity in demarcation of role and responsibilities in dealing with major waste issues in a holistic manner.

#### **International good practices:**

- In *Finland*, Ministry of the Environment is the nodal body for waste management, formulates waste management policies and carries out strategic planning. It is also responsible for preparing legislation and setting binding standards.
- In *Austria*, the Federal Ministry of Agriculture and Forestry, Environment and Water Management is the nodal body for waste management and is charged with issuing and publishing a Federal Waste Management Plan for the whole of Austria.
- In *New Zealand*, central government takes a lead in developing and implementing all national waste policies.

#### **Recommendations:**

- *Since waste causes pollution and pollution is necessarily the responsibility of the MoEF, the Central Government should consider appointing MoEF as the nodal body for*

*managing all kinds of waste. A body/division within MoEF could be created to separately handle all issues related to waste.*

- *MoEF at the central level and Environment Departments at the state level should clearly delineate the responsibilities of the various bodies/agencies for managing different kinds of waste.*
- *The states should have a nodal department for dealing with issues related to all kinds of waste.*

## **5.2 Implementing bodies**

Laws/ rules should specify implementing agencies as it makes the process of implementation effective and streamlined, apart from aiding accountability. Where waste rules exist in India, bodies for the implementation of waste rules had been identified in the rules itself. Hospitals were responsible for the safe disposal of biomedical waste; municipalities were responsible for the safe disposal of municipal solid waste; industries generating hazardous waste were responsible for its safe disposal and districts were responsible for implementing the plastic rules. Thus, responsibility has been allocated to bodies for the safe disposal of some kinds of waste. However, many kinds of wastes have been left outside the legislative ambit of MoEF and thus, no agency is responsible for its safe disposal.

### **5.2.1 At the central level**

At the central level, MoEF stated that the Ministry of Urban Development was the nodal agency responsible for implementation of the municipal solid waste rules and that the Ministry of Health and Family Welfare was the nodal agency for the implementation of rules relating to bio-medical waste. It was silent about the nodal ministries for implementation of plastic waste, e-waste and hazardous waste rules.

Thus, though MoEF was responsible for policy-making with respect to municipal solid waste, it did not take responsibility for its implementation. This was an anomalous situation as MoEF would be unaware whether the rules it had framed were facilitating the safe management of municipal solid waste. In addition, if there was any violation of the waste rules by a hospital or by a municipality, there was no authority at the central level to invoke sanctions against them. In the absence of a central agency responsible for implementation, there would be lack of coordinated activity to deal with implementation issues, which were often spread across two or more municipalities/ hospitals across states. This issue assumed more importance in light of the fact that Ministry of Urban Development, Ministry of Health and Family Welfare and Department of Chemicals and Petrochemicals stated that it was not their responsibility but the responsibility of MoEF to monitor the implementation of waste rules as discussed in Chapter 7.

## 5.2.2 At the level of the states

### (a) Municipal solid waste

CPCB had recommended in 2004-05 that all states set up a Solid Waste Mission to look at common facilities, which could be developed at the municipal level. Audit observed that among the 20 sampled states:

- Only 15 *per cent* of the states had set up the Solid Waste Missions. **West Bengal** had set up the Solid Waste Mission, **Kerala** had set up the Clean Kerala Mission and **Maharashtra** had set up the Solid Waste Management Cell.
- Solid Waste Missions had not been set up in 60 *per cent* of the sampled states and it could not be verified in audit whether the Mission had been set up in 25 *per cent* of the sampled states. List of states is attached in **Annexure 2**.

### (b) Bio-medical waste

According to the Bio-Medical Waste (Management and Handling Rules), 2000, the government of every State/Union Territory shall constitute an advisory committee to advise the Government of the State/Union Territory about matters related to the implementation of these rules. The committee was to include experts from the field of medical and health, animal husbandry and veterinary sciences, environmental management, municipal administration and any other related department or organisation including non-governmental organisations. Out of the 15 sampled states, it was observed that:

- Advisory committees have been set up in 60 *per cent* of the sampled states, not been set up in 20 *per cent* of the sampled states and it could not be verified in audit whether 20 *per cent* of the sampled states had set up the advisory bodies. List of states is attached in **Annexure 2**.

**Thus, there is lack of clarity at the central level as to which agency would be responsible for the implementation of the waste rules. In addition, bodies have not been set up at central and more importantly, at the state level for the implementation of rules relating to specific kinds of waste.**

MoEF stated in August 2008 that CPCB had requested PCBs to co-ordinate with the state urban development departments to explore the possibility to set up common waste disposal sites and that CPCB had indicated that states may follow the methodology as adopted by the Gujarat government. MoEF also stated that the constitution of Advisory Committees is the responsibility of the respective State/UT Government.

MoEF did not clear the confusion regarding responsibility for implementation of the waste rules, at the central as well as the state level. In the absence of clear responsibility for implementation, accountability would be diffused, leading to poor performance.

**International good practices:**

- In *Philippines*, The Commission on Solid Waste oversees the implementation of solid waste management plans and prescribes policies to achieve the objectives of Ecological Solid Waste Management Act of 2000.
- In *Slovenia*, Environmental Agency is responsible for the implementation of waste legislation, waste management information system development and maintaining, licensing in the waste management field.
- In *Austria*, since 1 October 1995, it has been mandatory for all companies with 100 or more employees to appoint a qualified waste officer and a deputy in writing and to report their names to the authorities. The duties of the waste officer include monitoring of compliance with the stipulations of the Waste Management Act.

**Recommendations**

- *MoEF should clearly identify, at the central level, bodies which would be responsible for the implementation of the waste management rules relating to municipal solid waste, biomedical waste and plastic waste. The states should also identify the agency responsible for implementation of the waste rules.*
- *MoEF should have a formal mechanism in place for discussions with MoUD and MoH&FW regarding implementation of the rules and whether the rules need modification, based on the problems encountered by the municipalities and hospitals in implementation of these rules.*
- *Solid Waste Mission for dealing with overall issues relating to implementation of municipal solid waste rules should be set up in all the states.*

**5.3 Monitoring bodies**

Monitoring bodies keep a check on implementation and thus, are good feedback mechanisms on the efficacy of any law/rule.

**5.3.1 At the central level**

Despite framing the rules for the management and safe disposal of municipal solid waste, bio-medical waste, plastic and hazardous wastes, MoEF did not own responsibility for monitoring the implementation of these rules.

**(a) Municipal solid waste**

MoEF stated that it was the responsibility of Ministry of Urban Development to monitor the implementation of the municipal solid waste rules. However, according to the Ministry of Urban Development, it was the responsibility of MoEF to monitor the implementation of the Municipal Solid Waste (Management and Handling) Rules. Ministry of Urban Development had not set up any body for monitoring the implementation of these rules and did not provide any waste related data or monitoring reports to MoEF. It also did not receive any reports from CPCB on waste management and did not have a formal coordination mechanism for sharing information with MoEF.

In the absence of clarity about the agency that would be responsible for monitoring of these rules, it was noticed in audit that monitoring was ineffective as discussed further in Chapter 7.

**(b) Bio-medical waste**

MoEF stated that it was the responsibility of Ministry of Health and Family Welfare to monitor the implementation of the bio-medical waste rules. However, according to Ministry of Health and Family Welfare, it was not its responsibility to monitor the implementation of Bio-Medical Waste (Management and Handling) Rules. It did not have a mechanism/ body to monitor the implementation of these rules and it neither sent any bio-medical waste related information to MoEF nor did it receive any data regarding waste from MoEF/CPCB. It also does not have a coordination mechanism for sharing bio-medical waste information with MoEF. In the absence of clear allocation of responsibility to any agency for monitoring these rules, it was noticed in audit that monitoring was ineffective as discussed further in Chapter 7.

**(c) Plastic waste**

According to the Department of Chemicals and Petrochemicals, MoEF had issued the notification and the information regarding monitoring could be obtained from MoEF. However, MoEF was silent about its role of monitoring of implementation of plastic rules.

**5.3.2 At the level of the states/PCBs**

**(a) Municipal solid waste**

With respect to monitoring of solid waste rules, it was noticed that out of the 24 sampled states,

- Bodies like PCBs had been allocated responsibility for monitoring in 33 *per cent* of the sampled states while in 21 *per cent* of the sampled states, bodies had not been allocated responsibility for monitoring the implementation of municipal solid waste rules. In 46 *per cent* of the sampled states, it was not verifiable in audit whether any body had been allocated this responsibility. List of states is attached in **Annexure 2**.

**(b) Bio-medical waste**

With respect to monitoring of bio-medical waste, it was noticed that out of the 24 sampled states,

- State PCBs / Pollution Control Committees were monitoring the implementation of the bio-medical waste rules in 46 *per cent* of the sampled states while in 13 *per cent* of the states; no agency was monitoring implementation of bio-medical waste rules. It was not verifiable by audit whether bodies were monitoring the implementation of bio-medical waste rules in 41 *per cent* of the sampled states. List of states is attached in **Annexure 2**.

**(c) Plastic waste**

As regards monitoring of implementation of plastic waste, out of the 24 sampled states, it was observed in audit that:

- Bodies were monitoring implementation of rules in 37 *per cent* of the sampled state while in 13 *per cent* of the sampled states; no body/agency was allocated this responsibility.
- It was not verifiable in audit whether bodies in 50 *per cent* of the sampled states were monitoring the implementation of rules related to plastic waste. List of states is attached in **Annexure 2**.

**(d) Hazardous waste**

As regards bodies monitoring the implementation of hazardous waste rules, it was observed that out of the 24 sampled states:

- In 17 *per cent* of the sampled states, there were bodies for monitoring the implementation of hazardous waste rules while in eight *per cent* of the sampled states, bodies were not monitoring the implementation of hazardous waste rules.
- In 75 *per cent* of the sampled states, there was not enough evidence to show whether bodies were monitoring implementation of hazardous waste rules. List of states is attached in **Annexure 2**.

**It, thus, seems that agencies responsible for monitoring the implementation of municipal solid waste, bio-medical waste and plastic waste rules had not been clearly identified at the state and the central level. MoEF was also unaware of its responsibility regarding monitoring of these rules. In the absence of regular and sustained monitoring, it would be difficult to assess whether the rules for the disposal of wastes were being followed. In addition, there appears to be no central monitoring Ministry, which can ensure the safe disposal of all kinds of waste by different agencies and flag major non-compliance issues and environmental issues at the central level.**

MoEF replied in August 2008 that with respect to municipal solid waste, as per the rules, CPCB owed responsibility of submitting Annual Reports based on the consolidated reports received from the PCBs and that the overall responsibility at the state level lay with the Secretary, Urban Development Department. It also stated that CPCB was coordinating with PCBs by providing standards for operation of waste processing and disposal facilities. With respect to bio-medical waste, MoEF stated that PCBs were the prescribed authority to implement the provisions of the bio-medical waste rules and monitor the compliance. With respect to plastic waste, MoEF stated that responsibility for implementation of plastic waste rules lay with PCBs and that CPCB had taken initiative for facilitating PCBs to take effective steps on plastics waste management.

The reply of MoEF has to be viewed in light of audit observation that there was no central monitoring body for the waste rules to ensure the safe disposal of all kinds of waste by different agencies and to flag major non-compliance issues and environmental issues at the central level. With respect to monitoring at the level of states, though agencies have been prescribed in the rules, monitoring was either not taking place by the prescribed agencies or monitoring was very weak, as further commented by Audit in Chapter 7. This pointed to the fact that monitoring agencies needed to clearly delineated and responsibility and accountability allocated to them to ensure effective monitoring.

#### **International good practices:**

- The *Finnish* Environment Institute 'SYKE' monitors and maintains a master register of waste data and is thus the primary monitoring agency for waste legislations/rules.
- In *Philippines*, the National Solid Waste Management Commission reviews and monitors the implementation of local solid waste management plans.
- In *USA*, the Office of Solid Waste regulates waste under the Resource Conservation and Recovery Act.
- In *New Zealand*, monitoring and evaluating progress towards targets is carried out by the Ministry for the Environment, in collaboration with local governments.

#### **Recommendations**

- *The government should assign clear responsibility to MoEF or any central body/agency for monitoring the implementation of all waste management rules throughout the country.*
- *MoEF must also put in place a mechanism by which performance of the states could be monitored and ensure penalty for weak compliance by states.*
- *Bodies should be clearly allocated responsibility for monitoring the implementation of all the waste rules at the state level so that violations to rules can be regularly identified.*

#### **Conclusion**

*Identification of nodal agencies/bodies and the allocation of responsibility and accountability among them are essential for ensuring smooth and effective compliance with laws and rules. In the absence of clear ownership of waste management in totality, there appears to be an absence of a single body taking ownership of waste issues in India. Further, there was no clear identification of bodies for monitoring of waste rules at the centre. This caused a mismatch/gap in responsibility and accountability and led to the rules for management of waste being rendered ineffective.*