



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

INDIA

We were not able to locate specific court cases in India on waste producer liability. The national provisions that affect waste producer liability are set out below.

Summary of the National Law

Indian law addresses waste generator or producer responsibilities under both “waste generator” requirements and also under “occupier” rules. An “occupier” is defined as “a person who has[] control over the affairs of the factory or the premises and includes...the person in possession of the hazardous waste.” Rule 3(1)(q), India Ministry of Environment and Forests. [The Hazardous Wastes \(Management, Handling and Transboundary Movement\) Rules](#), 2008 Rule 3(1)(l). Ministry of Environment and Forests Notification S.O. 2265(E). New Delhi: 24 Sept. 2008. Those rules provide:

“Responsibilities of the occupier for handling of hazardous wastes.-(1) The occupier shall be responsible for safe and environmentally sound handling of hazardous wastes generated in his establishment.” Chapter 2, sec. 4(1).

“Liability of occupier, transporter, operator of a facility and importer.-(1) The occupier, importer, transporter and operator of the facility shall be liable for all damages caused to the environment or third party due to improper handling of the hazardous wastes or disposal of the hazardous wastes.” Chapter VII, Sec. 25.

For discussion of the details on enforcement and penalties, refer to “[Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty](#),” 2016.

This rule and many other requirements as well as general waste enforcement examples were presented at a CHWMEG meeting in 2018., INDUS Environmental Service “Overview of requirements, Focus on Significant/Emerging/Changing Waste Generator Requirements for Industry” in [INDIA | Video](#) (CHWMEG members only site).

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