

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis



IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

IJLRA

Swachh Bharat Abhiyan: Analysing **Environmental Governanace**

Authored By: - Karthik Sharma

3rd Year B. Com LLB Student From Institute Of Law, Nirma University

Abstract

The article explores different facets of the Swachh Bharat Abhiyan which was put in place I 2014 by the existing government with the aim of better waste management in the country. The article analyses the different phases of the execution of the Swachh Bharat Mission and also scrutinizes its progress and achievements along the way. The article diligently indulges upon the question that whether the mission has proved to be a success or a failure with notable proofs. The article also explains in great detail that how the various environmental laws and statutes of the country act supplementary with the Swachh Bharat Mission to better preserve the continuously deteriorating environmental conditions.

IJLRA

Introduction

Environment refers to “the complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival”¹. It is very essential for every human being to have a healthy, hygienic and clean physical as well as social environment for their growth and enrichment. Humans are dependent on the environment with every factor of their life. There is a constant interaction of human beings with their environment and often, this interaction leads to human beings taking a toll on their environment in some or the other ways. Increased pollution and soaring global warming are some examples, for instance, the Air Quality Index level of Delhi was on 1239 in November 2019 as compared to the safe level which is below 50². These type of irregularities in the environment makes human beings susceptible to its ill effects.

The Stockholm Conference of 1972 established 26 principles³ for the protection and enhancement of the human environment, which member countries' governments can follow and control. These ideas can be used by the government to create environmental policies to safeguard the environment⁴. These rules must be applied with caution in order to ensure that the human environment can be perpetuated for future generations. To accomplish economic and social progress, the objective of having a healthy environment should be pursued in a balanced manner. Environmental Governance is extremely crucial for preserving and safeguarding the human environment, it includes all the regulations, schemes and rules that are devised by the government. Environmental governance is the means through which a society judges and take actions related to the management of natural resources. This encompasses both the regulations that guide human behavior in decision-making processes and the decisions themselves, both formal and informal. Strong environmental governance requires appropriate legislative

¹ <https://www.merriam-webster.com/dictionary/environment>

² Bhavya Dilipkumar, Drizzle worsens Delhi air to record 1,200+ on index, The Economic Times, <https://economictimes.indiatimes.com/news/politics-and-nation/drizzle-worsens-delhi-air-to-record-1200-on-index/articleshow/71882408.cms?from=mdr> (last visited Aug 19, 2021).

³ Declaration of the United Nations Conference on the Human Environment, https://www.soas.ac.uk/cedepdemos/000_P514_IEL_K3736-Demo/treaties/media/1972%20Stockholm%201972%20-%20Declaration%20of%20the%20United%20Nations%20Conference%20on%20the%20Human%20Environment%20-%20UNEP.pdf,

⁴ Inter-Ministerial Delegation to Participate in Basel, Rotterdam, Stockholm Conventions in Geneva, , <https://pib.gov.in/newsite/PrintRelease.aspx?relid=161203> (last visited Aug 19, 2021).

frameworks at the global, national, and regional levels⁵. Along with many statutes and laws related to preservation of environment and maintaining hygiene, **the Swachh Bharat Mission** is one such landmark and successful project that is launched by the government, it aims to healthy sanitation practices and eradicating social evils such as open defecation and manual scavenging.

About Swachh Bharat Mission (SBM)

Prime Minister Narendra Modi announced the Swachh Bharat Mission (SBM) on October 2, 2014. It is divided into two sub-missions, one of which is carried out in urban areas by the Ministry of Housing and Urban Affairs (M/o HUA) and the other in rural regions by the Ministry of Drinking Water and Sanitation (M/o DWS)⁶. This aim embodies the government's vision of ensuring national hygiene, waste management, and sanitation so that no family suffers the humiliation of not having a toilet and public spaces are free of waste littering⁷.

Under the mission, all villages, Gram Panchayats, Districts, States and Union Territories in India declared themselves "open-defecation free" (ODF) by 2 October 2019, the 150th birth anniversary of Mahatma Gandhi, by constructing over 100 million toilets in rural India. To ensure that the open defecation free behaviors are sustained, no one is left behind, and that solid and liquid waste management facilities are accessible, the Mission is moving towards the next Phase II of SBMG i.e., ODF-Plus. ODF Plus activities under Phase II of Swachh Bharat Mission (Grameen) will reinforce ODF behaviors and focus on providing interventions for the safe management of solid and liquid waste in villages⁸.

The estimated cost of implementation of SBM (Urban) phase I based on unit and per capita costs for its various components was Rs. 62,009 Crore. According to the agreed funding pattern, the Government of India's part is Rs. 14,623 crores. In addition, the States were required to contribute a minimum of Rs. 4,874 crores as a State/ULB share, which was equal to 25% of the Government of India's funding in phase I. The balance funds came from a variety of sources, including Swachh

⁵ <https://www.iucn.org/theme/environmental-law/our-work/governance-and-meas>

⁶ Swachh Bharat Abhiyan | Prime Minister of India, https://www.pmindia.gov.in/en/major_initiatives/swachh-bharat-abhiyan/ (last visited Aug 17, 2021).

⁷ [https://jalshakti-ddws.gov.in/sites/default/files/SBM\(G\)_Guidelines.pdf](https://jalshakti-ddws.gov.in/sites/default/files/SBM(G)_Guidelines.pdf)

⁸ Swachh Bharat Mission - Gramin, Ministry of Drinking Water and Sanitation, , <https://swachhbharatmission.gov.in/sbmcms/index.htm> (last visited Aug 17, 2021).

Bharat Kosh, corporate social responsibility, market financing, and external aid, among others⁹.

GOALS OF SBM

The Swachh Bharat Abhiyan has been implemented in India's metropolitan areas with the following key goals:

- the prevention of open defecation
- the termination of manual scavenging
- to effect behavioural change regarding healthy sanitation practices
- raise public knowledge about the importance of cleanliness and its link to public health

Achievements From The Phase One Of Swacch Bharat

Abhiyan

India has achieved remarkable results from the SBM-U, as per government data; there are now 99% ODF (Open defecation free) cities in India as compared to 0 in 2014 when the SBM was launched. 68% of the solid waste is processed in 2021 as compared to only 18% in 2014. According to government statistics, the mission has completed 105 percent of the total target for individual household toilets and 118 percent of the total target for community and public toilets since its inception¹⁰.

10,71,04,736 household toilets have been built in the country since 2nd October 2014¹¹. Total declared ODF villages stand at 6,03,004 and total verified ODF villages stand at 6,01,587 today, as compared to approximately only 46,920 in 2015¹².

⁹ http://164.100.228.143:8080/sbm/content/writereaddata/SBM_Guideline.pdf, Guidelines for Swachh Bharat Mission- Urban, Revised as on October 5th, 2017, p.8.

¹⁰ Radheshyam Jadhav, Flush with success, Swachh Bharat scheme on path to sustainability, @businessline, <https://www.thehindubusinessline.com/data-stories/data-focus/flush-with-success-swachh-bharat-scheme-on-path-to-sustainability/article33686833.ece> (last visited Aug 17, 2021).

¹¹ Swachh Bharat Mission (Gramin), , <https://sbm.gov.in/sbmdashboard/Default.aspx> (last visited Aug 17, 2021).

¹² <https://sbm.gov.in/sbmdashboard/ODF.aspx>

Sustainability And Phase II of SBM

The key objective of SBM phase II is to sustain the ODF status of villages and improve the levels of cleanliness in rural areas through solid and liquid waste management activities, making villages ODF plus. Government has launched the ODF+ and ODF++ protocols with an emphasis on achieving comprehensive sanitation and preserving mission outcomes. The ODF+ protocol focuses on the operation and maintenance of community/public toilets, ensuring that they are functional and well-maintained so that they can be used again. ODF++ focuses on ensuring that faecal sludge from toilets is safely managed and that no untreated sludge is released into open sewers, aquatic bodies, or in the open. There aren't many ODF+ and ODF++ cities.¹³

According to the Centre for Policy Research, the Centre allotted 2,300 crores to SBM-U in FY21, a 77 percent increase over the FY20 Revised Estimates (REs) but a 13 percent decline over the FY20 Budget Estimates (BEs).

Cities in India have been requesting assistance from the states and the central government to maintain public toilets and manage solid waste. Their financial resources have been dwindling, especially after the octroi was scrapped.

To carry out development goals, civic bodies rely heavily on government subsidies. They will require ongoing assistance to guarantee that SBM-U meets its long-term objectives.¹⁴

In the phase II of SBM, New eligible families will receive a financial incentive of Rs.12000 per household for the construction of an IHHL (Individual Household Latrine Application), which is the current standard. The incentive money will only be given to new qualifying households. Ineligible homes will be encouraged to build their own toilet. The name of the Community Sanitary Complex has been changed to Community Managed Sanitary Complex (CMSC). The CMSC's financial assistance has been increased from Rs. 2,00,000 to Rs. 3,00,000, with 30 percent of the funding coming from 15th Finance Commission grants to Rural Local Bodies and the other 70 percent coming from SBM (G). IEC and capacity building will be funded at a rate of 5% of overall project cost, with 2% allocated at the central level (Government of India) and 3% at the state/district level. Administrative costs will be accounted for at 1% of the total project cost. Block and district level interventions for some SLWM activities have also been adopted under

¹³ <https://swachhbharatmission.gov.in/SBMCMS/writereaddata/portal/images/pdf/sbm-ph-II-Guidelines.pdf>

¹⁴ Radheshyam Jadhav, Flush with success, Swachh Bharat scheme on path to sustainability, @businessline, <https://www.thehindubusinessline.com/data-stories/data-focus/flush-with-success-swachh-bharat-scheme-on-path-to-sustainability/article33686833.ece> (last visited Aug 17, 2021).

SBM-G Phase II. SLWM financing will be based on a per capita basis rather than the number of households in a GP, as it was previously. While the 15th Finance Commission will provide 30% of the financing for village-level SLWM operations, the remaining 70% would be covered by SBM (G). There will be a defined amount of financial aid for a block and a district for some initiatives, such as Plastic Waste Management at the block level and model GOBAR-dhan projects at the district level. For the first time, 50 percent of the money allocated by the 15th Finance Commission to rural local governments are related to water and sanitation.¹⁵

Environmental And Sanitation Laws That Supplement Sbm

ARTICLE 21

Right to sanitation is can be considered as a part of Constitution of India. **Article 21**¹⁶, Right to Life, is one of the fundamental rights enshrined in Chapter III, and it includes the right to live in dignity. One of the most significant impediments to the realization of fundamental rights such as the right to life and other fundamental rights is the lack of efficient sanitary measures. Inadequate sanitation is a widespread issue that encroaches on our actual freedom and liberty, denying us the full enjoyment of our rights. Right to sanitation is, like many other rights is a derivative of The Right to Life as per article 21 of the constitution, although it is not included expressly in the Article 21 but it came into being with the various judicial interpretations of the article. The Supreme Court and High Courts have consistently held that right to sanitation is a part and parcel of Article 21 and the right to sanitation is included in the article because the right to life cannot be realised in its full meaning and essence without sanitation and hygiene. In the landmark case of Virendra Gaur v. State of Haryana, after referring to the Stockholm Declaration 1972 and Principle 1 laid down in that Conference, and after referring to Article 48 A, Article 47, Article 51 A (g), and Article 21, the Apex Court held that the Government had no power to sanction lease of land vested in the Municipality for use as open space for public use and issued statement as follows:

“The word environment is of broad spectrum which brings within its ambit, hygienic atmosphere and ecological balance. It is, therefore, not only the duty of the State but also the duty to every citizen to maintain hygienic environment. The State, in particular has duty in that behalf and to

¹⁵ <https://sujal-swachhsangraha.gov.in/sites/default/files/FAQs%20-%20SBM%20Phase%20II.pdf>

¹⁶ Article 21: Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law

shed its extravagant unbridled sovereign power to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Environmental, ecological, air, water, pollution etc should be regarded as amounting to violation of Article 21. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment."¹⁷

Being a constitutional right, the Right to Sanitation casts a duty upon government to make policies and schemes such as the SBM to provide facilities to everyone. The SBM provides a system for the collection, transport, treatment, disposal, or reuse of human excreta and associated hygiene. Everyone has the right to sanitation services that are safe, socially and culturally acceptable, secure, hygienic, physically accessible, and inexpensive, as well as providing privacy and dignity¹⁸. Personal hygiene, residential sanitation, clean water, trash disposal, waste management systems, and so on are all included in the sense of what is right to sanitation and to a great extent according to the stats available and guidelines, SBM provides a system for the fulfilment of all the components of the Right to Sanitation in a true sense.

Provision of adequate sanitation is vital to realisation of many fundamental rights. Rights like right to health¹⁹, water²⁰, air²¹, clean and healthy environment²² are all part of the constitution. It is evident through various judgements of the supreme court that the right to clean and healthy environment is a part of Article 21 itself.

The right to sanitation is also an important component of the right to education enshrined in Article 21A of the Indian Constitution. A proper hygienic environment ought to be maintained in educational institutions, otherwise it may become a centre for diseases causing major problem to children and students visiting these institutions.

¹⁷ Virender Gaur v. State of Haryana. 2 SCC 577. 1955

¹⁸ Realising the human rights to water and sanitation: A handbook, Catarina de Albuquerque, the UN Special Rapporteur on the human right to safe drinking water and sanitation.

¹⁹ Consumer Education and Research Centre v. Union of India. 3 SCC 42. 1995.

²⁰ Narmada Bachao Andolan v. Union of India. 9 SCC 571. 2000.

²¹ Subhash Kumar v. State of Bihar. 1 SCR 5. 1991.

²² Ibid.

73rd CONSTITUTIONAL AMENDMENT

The **73rd Amendment Act** of the Constitution envisions Panchayats taking on this role. Because sanitation is a state responsibility, it is mostly managed by states and local governments, with Panchayats serving as the final mile. The law places the obligation for maintaining a clean and healthy environment and providing sufficient sanitary facilities in the hands of Panchayats at the rural level.

OTHER IMPORTANT PROVISIONS

As per WHO, “Health is a state of complete physical, mental and social wellbeing and not merely the absence of infirmity”.²³ Right to Health is imposed as a duty on the state **under Part IV** of the constitution as a directive principle to ensure social and economic justice, it was inserted by the **42nd Amendment**.

Articles 48A and 51-A(g) of the constitution provides for the responsibilities of the state and the citizens to protect and improve the environment respectively. Also, **Article 47** mentions the government's responsibility to elevate the standard of living, promote nutrition, and improve public health.

OTHER INITIATIVES TAKEN BY THE GOVERNMENT

Public health and sanitation are mentioned in **Entry 7, List II of the Seventh Schedule** of the Indian Constitution, which means that only states can legislate on them. However, because cleanliness is not limited to state borders, the Union can legislate on it as well. As a result, the government is taking steps to pass regulations governing hygiene. One of them is the bill, which was introduced in Parliament on February 9, 2016, and reads as follows:

According to the Constitution (Amendment) Bill of 2016, **Part IVB** of the Constitution should be put after Part IVA, comprising **Article 51C**, which is as follows:

51C. There shall be a total prohibition on the following acts by any person including owner, lessee or occupant of a residential or a commercial establishment, whether private or public—

- (a) Littering;
- (b) Dumping or disposal of garbage or electronic waste in a manner not authorized by the State;
- (c) Urinating, defecating or spitting in a public place;
- (d) Dirty frontage or surroundings of any building;

²³ Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19–22 June 1946; signed on 22 July 1947 by the representatives of 61 States (Official Records of the World Health Organization, no. 2, p. 100); and entered into force on 7 April 1948, <http://www.who.int/about/mission/en/>,

- (e) Stacking of garbage outside residence or establishment; and
- (f) Obstruction by placing any dilapidated appliances or vehicles or by disposing any merchandise or illegal structure along sidewalk²⁴

The purpose of introducing this bill was to address the fact that state and local governments had failed to prioritise sanitation, and in 2014, the Union Government launched the “Swachh Bharat Mission” to instil a sense of cleanliness and health consciousness among people, as well as to sensitise local governments to provide sanitation. People's participation is also required to make this mission a success; hence, such measures should be included in the Constitution so that the State and citizens can work together to achieve the mission's goals.

Some Other Statutes For Environmental Governance In The Country

The Water (Prevention and Control of Pollution) Act, 1974

The Water Pollution Prevention and Control Act of 1974 (the "Water Act") was aimed at preventing and reduce water pollution and to maintain or restore the freshness of water in the country. It also establishes Boards for the prevention and control of water pollution in order to carry out the aforementioned objectives. The Water Act makes it illegal to dump pollutants into water bodies beyond a certain level and imposes penalties for non-compliance. The CPCB was established at the federal level by the Water Act, which establishes requirements for the prevention and management of water pollution. SPCBs work under the direction of the CPCB and the State Government at the state level.²⁵

Moreover, in 1977, the Water (Prevention and Control of Pollution) Cess Act was adopted to provide for the imposition and collection of a cess on water consumed by persons engaged in certain types of industrial operations. This tax is collected to supplement the funds available to the Central Board and State Boards for the prevention and control of water pollution, which were established under the Water (Prevention and Control of Pollution) Act of 1974. The last time the Act was changed was in 2003.

²⁴ <http://164.100.47.4/billtexts/lbills/lbills/AsIntroduced/4123LS.pdf>

²⁵ <https://hspcb.gov.in/Water%20Act,%201974%20Relevant%20provisions.pdf>

The Environment Protection Act, 1986

The Environment Protection Act of 1986 (the "Environmental Act") addresses environmental protection and enhancement. The Environment Protection Act establishes a framework for investigating, planning, and executing long-term environmental safety regulations, as well as a system for quick and adequate response to environmental threats. It is a piece of legislation that establishes a framework for the coordination of federal and state bodies established under the 1974 Water Act and the Air Act.

Under section 2(a) of the Environment Act²⁶, the term "environment" has a fairly broad definition. It encompasses water, air, and land, as well as the interrelationships between these elements and humans, other living animals, plants, microorganisms, and property.

Hazardous Wastes Management Regulations

Hazardous waste is defined as any waste that poses a risk to human health or the environment due to one or more of its physical, chemical, reactive, poisonous, combustible, explosive, or corrosive qualities, whether alone or in combination with other wastes or substances.²⁷

There are a number of laws that deal with hazardous waste management, either directly or indirectly. The Factories Act, 1948, the Public Liability Insurance Act, 1991, the National Environment Tribunal Act, 1995 and the Environmental Act's rules and notifications all are relevant laws.

²⁶ Environment (Protection) Act, 1986

²⁷ OLEM US EPA, Defining Hazardous Waste: Listed, Characteristic and Mixed Radiological Wastes (2015), <https://www.epa.gov/hw/defining-hazardous-waste-listed-characteristic-and-mixed-radiological-wastes> (last visited Aug 19, 2021).

Conclusion

The SBM or Swachh Bharat Mission launched by the government in 2014 has proved to be a very triumphant project of Environmental governance. According to the government data, it has nearly eradicated the practice of open defecation in most of the urban and rural areas with its SBM(U) and SBM(G) and continues to be beneficial for maintaining healthy environment conditions, sanitation and hygiene with its phase II. There has been a substantial increase in the budget allocated to the SBM by the government in FY21 as compared to FY20²⁸ which portrays the promising nature of the scheme. SBM is also compatible and with the various laws and statutes related to environmental governance and has assisted widely in ensuring the people their rights and fulfilling the provisions of the law related to sanitation and hygiene. Through SBM, more than 10 crore toilets have been built in the country since its inception. Overall, SBM appears to be quite successful and sustainable project and hopefully, the SBM phase II will prove to be immensely prosperous for the country.

²⁸ Radheshyam Jadhav, Flush with success, Swachh Bharat scheme on path to sustainability, @businessline , <https://www.thehindubusinessline.com/data-stories/data-focus/flush-with-success-swachh-bharat-scheme-on-path-to-sustainability/article33686833.ece> (last visited Aug 17, 2021).