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Reforming Plastic Waste Governance in Sri Lanka: A Critical Legal Analysis through Comparative Environmental Law and the Right to Life

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Abstract*— Plastic *pollution has emerged as one of the most pressing environmental and public health challenges in Sri Lanka, threatening ecosystems, biodiversity, public health, and sustainable development. Despite the existence of several regulatory measures under the National Environmental Act No. 47 of 1980 and related Gazette Notifications restricting single-use plastics, Sri Lanka's plastic waste governance framework remains fragmented, weakly enforced, and institutionally inconsistent. This study critically examines the inadequacies of the existing legal and policy framework governing plastic waste in Sri Lanka through a comparative environmental law approach, with particular emphasis on the protection of the right to life. The study argues that ineffective plastic waste governance not only contributes to environmental degradation but also undermines fundamental human rights by exposing communities to hazardous waste, polluted waterways, flooding, marine contamination, and health-related risks associated with plastic disposal and microplastic exposure. Employing a qualitative doctrinal methodology supported by comparative analysis, the paper evaluates legal models adopted in India and the European Union, particularly Extended Producer Responsibility (EPR), lifecycle regulation, and circular economy-based approaches to plastic governance. The paper further analyses the constitutional and human rights dimensions of environmental protection by examining the evolving recognition of environmental rights within comparative jurisprudence and international human rights law. It contends that Sri Lanka's current regulatory regime lacks an integrated legal mechanism capable of ensuring accountability, sustainability, and effective enforcement. Accordingly, the study proposes comprehensive legal and institutional reforms, including the enactment of a unified Plastic Waste Management Act, incorporation of statutory EPR obligations, strengthening enforcement mechanisms, and adopting rights-based environmental governance strategies. The study ultimately concludes that meaningful reform of Sri Lanka's plastic waste governance framework is essential not only for environmental sustainability but also for safeguarding the right to life and ensuring intergenerational environmental protection.

Keywords: Circular Economy, Comparative Environmental Law, Plastic Waste Governance, Right to Life, Sustainable Development

I. INTRODUCTION

Plastic pollution has emerged as one of the most significant environmental challenges of the modern era, generating profound implications for ecological sustainability, public health, and socio-economic development. The unprecedented growth in global plastic production, coupled with unsustainable consumption patterns and inadequate waste management systems, has resulted in the accumulation of plastic waste across terrestrial, freshwater, and marine environments. While plastics have become indispensable in contemporary society due to their affordability, durability, and versatility, their widespread use has simultaneously produced serious environmental consequences. Scientific studies increasingly demonstrate that plastic waste contributes to biodiversity loss, ecosystem degradation, marine pollution, and the contamination of food chains through microplastics, thereby creating long-term risks for both environmental and human well-being. (Geyer, R. 2017) Consequently, plastic pollution is no longer viewed merely as a waste management concern but as a multidimensional challenge requiring comprehensive legal, institutional, and policy responses. [United Nations Environment Programme. (2021)]

However, despite the growing body of literature concerning plastic waste management, Extended Producer Responsibility and circular economy approaches, the constitutional dimension of plastic pollution in Sri Lanka remains comparatively underexamined. Insufficient attention has been given to the relationship between weaknesses in plastic waste governance, environmental degradation, and the constitutional protection of interests associated with the right to life. This study therefore examines whether Sri Lanka's existing legal and institutional framework adequately addresses plastic pollution throughout its lifecycle and whether the existing constitutional and legal framework provides sufficient protection against its environmental and human consequences. It further considers the extent to which comparative approaches adopted in India and the European Union may inform legal reform in Sri Lanka.

Accordingly, the study aims to critically examine the existing legal and institutional framework governing plastic waste in Sri Lanka, analyze its constitutional and human rights implications, particularly in relation to the right to life, and identify legal and institutional reforms informed by comparative environmental law. Methodologically, the study adopts a qualitative doctrinal approach based on the analysis of primary legal sources, including legislation, subsidiary legislation and judicial decisions, supplemented by relevant academic and institutional literature. A comparative legal approach is employed to examine selected aspects of plastic waste governance in India and the European Union, particularly Extended Producer Responsibility, lifecycle regulation and circular economy approaches, with a view to identifying principles capable of contextual application within Sri Lanka. The study contributes to the existing literature by bringing these dimensions together within a proposed rights-based framework for plastic waste governance in Sri Lanka.

II. Plastic Pollution, Environmental Protection, and the Right to Life

Plastic pollution has increasingly been recognized not only as an environmental management issue but also as a matter directly implicating fundamental human rights, particularly the right to life. Contemporary environmental jurisprudence has expanded the traditional interpretation of the right to life beyond mere protection from arbitrary deprivation of life to include conditions necessary for a dignified existence, such as access to a clean, healthy, and sustainable environment. [Boyd, D. R. (2012).] In this context, environmental degradation caused by plastic waste, from contaminated water sources and polluted air to the accumulation of microplastics in the food chain, poses direct and indirect threats to human survival and well-being. The intersection between environmental harm and human rights has been acknowledged in international legal discourse, where it is increasingly accepted that severe environmental pollution may constitute a violation of the right to life when it undermines basic conditions essential for human health and dignity. Despite the progressive recognition of environmental rights at the international and comparative levels, Sri Lanka's legal framework has not yet fully embraced a rights-based approach to environmental protection in the context of plastic waste governance. [United Nations General Assembly. While certain constitutional provisions and statutory instruments provide indirect environmental safeguards, Sri Lanka has not explicitly recognized the right to a clean and healthy environment, nor has it established a comprehensive legal mechanism that directly links environmental degradation to violations of the right to life.

Nevertheless, the absence of an express constitutional right to a clean and healthy environment does not render environmental protection constitutionally irrelevant in Sri Lanka. The Supreme Court has progressively recognized the constitutional significance of environmental protection through Article 12(1), read together with Articles 27(14) and 28(f) and the public trust doctrine. Similarly, in *Environmental Foundation Ltd and Others v Mahaweli Authority of Sri Lanka and Others* (2010 1 Sri LR 1), the Supreme Court recognized the relevance of the public trust doctrine in the exercise of State power over environmental resources. This approach was further developed in *Ravindra Gunawardena Kariyawasam v Central Environmental Authority and Others* (SC FR 141/2015), where failures by environmental authorities to discharge statutory and regulatory duties were considered in the context of Article 12(1) and the State's environmental responsibilities. These authorities demonstrate that, although Sri Lanka does not recognize an express standalone fundamental right to a clean and healthy environment, serious environmental degradation accompanied by unlawful, arbitrary or unreasonable State action or inaction may engage constitutional protection under Article 12(1).

The consequences of ineffective waste governance in Sri Lanka are not merely theoretical. A notable example is the Meethotamulla landfill disaster of 2017, where the collapse of a large waste dump resulted in loss of life, displacement of residents, and significant environmental harm. Although the disaster involved broader solid waste management failures, it highlighted the severe human consequences that arise when waste governance systems operate without adequate regulatory oversight, environmental safeguards, and long-term planning. The incident illustrates the close relationship between environmental degradation, public health, and the protection of the right to life, demonstrating that failures in waste management can directly threaten human security and dignity.

These disconnects between evolving international standards and domestic legal practice have resulted in significant regulatory gaps, particularly in addressing the cumulative and long-term harms of plastic pollution. Accordingly, an examination of Sri Lanka's existing legislative and institutional framework is necessary to assess whether current laws are capable of effectively responding to the environmental and human rights challenges posed by plastic waste. [Knox,J. (2018)]

III Legal and Institutional Framework Governing Plastic Waste in Sri Lanka

Sri Lanka's legal and institutional framework governing plastic waste management is primarily grounded in environmental statutes, subsidiary regulations, and policy instruments rather than a single consolidated legislative regime. The principal statute is the National Environmental Act No. 47 of 1980, which establishes the Central Environmental Authority as the

key regulatory body responsible for environmental protection, pollution control, and the implementation of environmental standards.[National Environmental Act1980] In addition, various Gazette notifications issued under the Act have imposed restrictions on specific categories of single-use plastics, reflecting a gradual regulatory response to the growing plastic waste crisis.[Central Environmental Authority2021]. However, despite these legal instruments, the regulatory framework remains fragmented, with overlapping institutional responsibilities and limited integration among national, provincial, and local-level authorities responsible for waste management.

Despite the existence of a statutory framework for environmental protection, the enforcement of plastic waste regulations in Sri Lanka remains weak and inconsistent. The Central Environmental Authority, although vested with regulatory powers under the National Environmental Act, faces significant institutional constraints, including limited financial resources, inadequate technical capacity, and insufficient monitoring mechanisms to ensure compliance with environmental standards. As a result, regulatory enforcement is often reactive rather than preventive, with violations of plastic waste regulations frequently going undetected or unaddressed. In addition, coordination challenges between national agencies and local authorities further undermine effective waste management, leading to gaps in implementation at the grassroots level. These enforcement deficiencies are compounded by low public awareness and weak compliance among private-sector actors, particularly regarding the production, distribution, and disposal of single-use plastics. The institutional framework governing plastic waste management in Sri Lanka is characterized by significant fragmentation and overlapping mandates among multiple authorities. While the Central Environmental Authority functions as the principal national regulator, local government authorities bear primary responsibility for solid waste collection, segregation, and disposal at the municipal level. In addition, sectoral agencies such as the Marine Environment Protection Authority and provincial councils contribute to aspects of waste governance, particularly in coastal and urban areas. However, the absence of a unified coordination mechanism among these institutions has resulted in inefficiencies, duplication of functions, and regulatory gaps. This institutional fragmentation has also led to inconsistencies in enforcement practices across different jurisdictions, with varying levels of capacity and compliance observed between urban and rural areas. Consequently, the lack of an integrated governance structure significantly undermines the effectiveness of plastic waste management policies in Sri Lanka. In sum, although Sri Lanka possesses a range of legislative instruments and institutional structures aimed at addressing plastic waste management, the overall framework remains fragmented, reactive, and insufficiently integrated to respond effectively to the scale of the crisis. The reliance on piecemeal regulations and limited enforcement mechanisms has resulted in a system that lacks coherence, long-term strategic direction, and accountability. Furthermore, the absence of a comprehensive statutory framework that incorporates lifecycle regulation and producer responsibility significantly weakens the ability of the State to address the root causes of plastic pollution. These deficiencies highlight the need for a more robust and coordinated legal approach, capable of aligning domestic environmental governance with emerging international standards and comparative best practices. Accordingly, an examination of foreign legal systems, particularly those of India and the European Union, is essential to identify effective regulatory models that may inform legal reform in Sri Lanka.[World Bank. (2018)]

IV Comparative Perspectives on Plastic Waste Governance

A comparative legal analysis is essential in evaluating the effectiveness of domestic environmental governance, particularly in relation to complex transboundary issues such as plastic pollution. Comparative environmental law enables the identification of regulatory innovations, institutional mechanisms, and policy frameworks that have been successfully implemented in other jurisdictions and may be adapted to address domestic legal shortcomings. In the context of plastic waste governance, jurisdictions such as India and the European Union provide particularly relevant models due to their development of Extended Producer Responsibility systems, lifecycle regulation of plastics, and circular economy-based approaches. These models demonstrate how legal systems can move beyond fragmented regulatory bans towards comprehensive, integrated governance structures that address the production, consumption, and disposal phases of plastic materials. [Organization for Economic Co-operation and Development. (2022)]

India provides a significant comparative model for plastic waste governance through its Plastic Waste Management Rules, which introduced a structured regulatory framework based on Extended Producer Responsibility (EPR)[Government of India. (2016)]. Under this system, producers, importers, and brand owners are made legally responsible for the collection, segregation, and environmentally sound disposal of plastic waste generated from their products. This marks a shift from traditional waste management approaches, which primarily placed responsibility on local authorities, towards a lifecycle-based regulatory model that internalizes environmental costs within production systems. In addition, judicial intervention by the Supreme Court of India has reinforced environmental protection as an integral component of the constitutional right to life under Article 21[*M.C. Mehta v. Union of India*, AIR 1987 SC 1086], thereby

strengthening enforcement and accountability mechanisms in environmental governance. This combination of statutory regulation and judicial activism has contributed to a more robust and enforceable framework for addressing plastic pollution in India.

The European Union represents one of the most advanced regulatory regimes in addressing plastic pollution through an integrated circular economy approach. Unlike traditional waste management systems that focus primarily on disposal and end-of-life treatment, the EU framework emphasizes prevention, reuse, and resource efficiency across the entire lifecycle of plastic products. A central instrument in this regard is the Single-Use Plastics Directive [European Parliament & Council of the European Union. (2019], which imposes binding obligations on Member States to reduce the consumption of specific plastic products, improve product design, and enhance waste collection and recycling systems. This is complemented by the EU Circular Economy Action Plan [European Commission. (2020)], which seeks to decouple economic growth from resource consumption by promoting sustainable production patterns and reducing reliance on virgin plastic materials. Together, these instruments reflect a shift towards a preventive and systemic regulatory model, underpinned by the polluter pays principle and extended producer responsibility, thereby providing a comprehensive legal framework for addressing plastic pollution at its source.

A comparative evaluation of the Indian and European Union frameworks reveals several important lessons for strengthening plastic waste governance in Sri Lanka. First, both jurisdictions demonstrate the importance of shifting from fragmented regulatory bans towards comprehensive lifecycle-based legal frameworks that regulate plastic production, consumption, and disposal in an integrated manner. Second, the adoption of Extended Producer Responsibility systems highlights the significance of transferring legal and financial responsibility for plastic waste management from public authorities to producers, thereby internalizing environmental costs within market structures. Third, the integration of environmental protection principles, including the polluter pays principle and circular economy strategies, reflects a broader normative shift towards preventive environmental governance rather than reactive waste management. These comparative insights underscore the need for Sri Lanka to move beyond its current regulatory limitations and adopt a more structured, enforceable, and rights-based plastic waste governance framework capable of addressing both environmental degradation and associated human rights implications.

The comparative experiences of India and the European Union further demonstrate that effective plastic waste governance requires a transition from reactive waste management towards preventative environmental governance. However, the direct transplantation of foreign models into Sri Lanka may not be feasible due to differences in institutional capacity, economic conditions, and regulatory culture. Consequently, legal reform in Sri Lanka should adopt a contextualized approach that draws upon comparative best practices while accommodating local administrative realities and developmental priorities. This highlights the importance of designing a uniquely Sri Lankan model of rights-based plastic governance rather than merely replicating foreign regulatory frameworks.

V LEGAL GAPS OF SRI LANKA'S PLASTIC WASTE GOVERNANCE FRAMEWORK

Despite the existence of multiple legislative instruments and policy initiatives, Sri Lanka's plastic waste governance framework is fundamentally characterized by structural fragmentation and regulatory incoherence. The absence of a unified statutory regime dedicated specifically to plastic waste management has resulted in reliance on dispersed legal provisions across environmental, municipal, and sectoral laws. This fragmented architecture creates significant gaps in regulatory coverage, particularly in relation to lifecycle regulation and producer accountability. Consequently, regulatory responsibility is diffused across multiple institutions without clear lines of coordination or enforcement hierarchy, thereby weakening the overall effectiveness of environmental governance. Such institutional fragmentation not only undermines administrative efficiency but also contributes to inconsistent implementation of environmental standards across different regions of the country

A further critical weakness in Sri Lanka's plastic waste governance framework lies in its persistent enforcement deficit and limited institutional capacity. Although regulatory provisions exist to control plastic pollution, their implementation is frequently undermined by inadequate monitoring mechanisms, insufficient technical expertise, and resource constraints within responsible agencies. Enforcement actions tend to be sporadic and largely complaint-driven rather than systematic, resulting in widespread non-compliance across both formal and informal sectors. In addition, local authorities responsible for waste management often lack the financial and technological capacity required to implement effective segregation, recycling, and disposal systems. This enforcement gap is further exacerbated by weak deterrent mechanisms, as penalties for non-compliance are often insufficient to discourage violations, thereby weakening the overall regulatory impact of environmental laws

A significant structural deficiency in Sri Lanka's plastic waste governance framework is the absence of a legally binding Extended Producer Responsibility (EPR) system. Unlike comparative jurisdictions such as India and the European Union, where producers are legally required to bear responsibility for the post-

consumer stage of plastic products, Sri Lanka continues to rely predominantly on public authorities for waste collection and disposal. This approach fails to internalize the environmental costs of plastic production within market mechanisms, thereby placing disproportionate financial and operational burdens on local government bodies. The absence of EPR also limits incentives for producers to redesign products, reduce plastic usage, or invest in recyclable alternatives. As a result, the current regulatory model perpetuates a linear "take-make-dispose" system that is fundamentally incompatible with sustainable waste governance and circular economy principles

The EPR approach is closely connected to the Polluter Pays principle, as it seeks to internalize the environmental costs associated with products within the production and consumption system rather than transferring those costs entirely to public authorities.
The deficiencies in Sri Lanka's plastic waste governance framework have direct and indirect implications for the protection of the right to life, particularly through the environmental and public health harms associated with plastic pollution. Inadequate waste management systems have contributed to the accumulation of plastic debris in waterways, drainage systems, and coastal environments, increasing the risk of flooding, water contamination, and ecosystem degradation. Furthermore, the open burning and improper disposal of plastic waste release toxic substances into the environment, posing significant respiratory and health risks to affected communities. The emergence of microplastics in food chains and drinking water sources further exacerbates long-term health uncertainties, highlighting the cumulative and pervasive nature of plastic pollution. These environmental harms illustrate that failures in regulatory governance are not merely administrative shortcomings but may also constitute infringements on the conditions necessary for the effective enjoyment of the right to life and human dignity.

Overall, the analysis reveals that Sri Lanka's plastic waste governance framework is characterized by systemic fragmentation, weak enforcement, the absence of producer responsibility mechanisms, and limited integration of environmental rights principles. While existing legal instruments provide a foundational regulatory structure, they are insufficient to address the scale, complexity, and transboundary nature of contemporary plastic pollution. The persistence of these structural weaknesses demonstrates a clear gap between legal form and environmental reality, where regulatory intent is not effectively translated into measurable environmental outcomes. In light of these deficiencies, there is a compelling need for comprehensive legal reform that moves beyond fragmented regulatory approaches towards an integrated, rights-based, and lifecycle-oriented governance model. Such reform must draw upon comparative best practices and align domestic environmental law with evolving international standards on sustainable development and the protection of the right to life.

The comparative analysis and identification of regulatory deficiencies suggest the need for a new governance paradigm for Sri Lanka. This paper proposes a Rights-Based Circular Plastic Governance Framework that integrates four mutually reinforcing pillars: (i) protection of the right to life, (ii) Extended Producer Responsibility, (iii) circular economy principles, and (iv) intergenerational environmental justice. Under this framework, plastic pollution is not viewed solely as a waste management issue but as a human rights concern that requires proactive state intervention. The framework seeks to ensure that environmental governance extends beyond pollution control towards the protection of human dignity, public health, and ecological sustainability. By integrating producer accountability with rights-based environmental protection, the proposed model offers a comprehensive approach capable of addressing both the environmental and human rights dimensions of plastic pollution in Sri Lanka.

VI RECOMMENDATIONS

The deficiencies identified in Sri Lanka's existing plastic waste governance framework necessitate the enactment of a comprehensive and unified legislative instrument specifically dedicated to plastic waste management. A standalone Plastic Waste Management Act would provide legal clarity, institutional coordination, and enforceable obligations across all stages of the plastic lifecycle, thereby addressing the current fragmentation within the regulatory system. Such legislation should establish clear definitions, regulatory standards, and enforcement mechanisms, while also consolidating the roles and responsibilities of relevant authorities under a single coherent framework. Importantly, the Act should move beyond a pure command-and-control approach and incorporate modern environmental governance principles, including sustainability, prevention, and public participation, to ensure effective long-term regulation of plastic pollution.

A central reform necessary for strengthening plastic waste governance in Sri Lanka is the statutory incorporation of Extended Producer Responsibility (EPR) as a binding legal obligation. Under such a framework, producers, importers, and brand owners would be legally required to assume financial and operational responsibility for the collection, recycling, and environmentally sound disposal of plastic products placed on the market. This approach would shift the burden of waste management from public authorities to private actors, thereby internalizing environmental

costs within production and consumption systems. The implementation of EPR would also create economic incentives for producers to redesign packaging, reduce plastic usage, and invest in sustainable alternatives, thereby supporting a transition towards a circular economy. Comparative experience demonstrates that EPR is most effective when supported by clear regulatory targets, monitoring mechanisms, and enforceable compliance standards, all of which are currently lacking in Sri Lanka's existing legal framework.

In addition to regulatory reforms focused on producer responsibility, Sri Lanka must adopt a comprehensive circular economy framework to fundamentally restructure its approach to plastic waste management. The current linear economic model, which follows a "take–make–dispose" pattern, is environmentally unsustainable and contributes directly to escalating levels of plastic pollution. A circular economy approach, by contrast, prioritizes waste prevention, product redesign, material reuse, and recycling, thereby extending the lifecycle of plastic materials and reducing dependency on virgin plastic production. The integration of circular economy principles into domestic environmental law would require coordinated policy interventions across multiple sectors, including manufacturing, packaging, retail, and waste management systems. Such a transition would also align Sri Lanka's environmental governance with emerging international standards that emphasize resource efficiency, sustainability, and long-term ecological protection

Effective reform of Sri Lanka's plastic waste governance framework also requires substantial strengthening of enforcement mechanisms and institutional coordination. Even the most comprehensive legal framework will remain ineffective unless supported by robust monitoring systems, adequate institutional capacity, and meaningful deterrent penalties for non-compliance. Enforcement authorities must be equipped with sufficient technical, financial, and human resources to carry out regular inspections, ensure compliance with environmental standards, and take timely action against violations. Furthermore, coordination between national agencies, provincial councils, and local authorities must be enhanced through a clearly defined governance structure that eliminates duplication of functions and ensures accountability at each level of administration. The introduction of stricter penalty regimes, coupled with administrative and judicial enforcement mechanisms, would further strengthen compliance and ensure that environmental regulations are not merely declaratory but effectively implemented in practice.

Ultimately, reforming Sri Lanka's plastic waste governance framework requires the adoption of a rights-based environmental approach that explicitly links environmental protection with the safeguarding of the right to life and human dignity. Recognizing environmental harm as a human rights issue would impose stronger constitutional and interpretative obligations on the State to prevent, regulate, and remedy environmental degradation caused by plastic pollution. Such an approach would also enhance access to justice by enabling affected communities to seek legal redress for environmental harm that impacts their health and livelihoods. By embedding environmental rights within domestic legal and policy frameworks, Sri Lanka would align itself with evolving international standards that recognize the indivisibility of human rights and environmental protection. Accordingly, these reforms collectively underscore the necessity of moving beyond fragmented regulatory measures towards an integrated, enforceable, and rights-oriented system of plastic waste governance.

VII CONCLUSION

This paper has demonstrated that plastic waste governance in Sri Lanka is characterized by significant structural and normative deficiencies that undermine its effectiveness in addressing the escalating plastic pollution crisis. While the existing legal framework under the National Environmental Act No. 47 of 1980 and related regulatory instruments provides a foundational basis for environmental regulation, it remains fragmented, enforcement-deficient, and insufficiently responsive to the scale and complexity of contemporary plastic waste challenges. The absence of a comprehensive lifecycle-based regulatory regime and the failure to institutionalize Extended Producer Responsibility have further weakened the State's ability to prevent and manage plastic pollution in a sustainable manner.

The study has further established that the consequences of ineffective plastic waste governance extend beyond environmental degradation, directly engaging fundamental human rights considerations, particularly the right to life. Plastic pollution contributes to environmental harm, public health risks, and ecological instability, thereby affecting the conditions necessary for human dignity and survival. In this regard, comparative analysis of India and the European Union illustrates that more effective governance is achieved through integrated regulatory frameworks that combine producer accountability, circular economy principles, and enforceable compliance mechanisms.

Accordingly, this paper argues that Sri Lanka must undertake comprehensive legal and institutional reform to transition towards an integrated, rights-based, and lifecycle-oriented plastic waste governance framework. More fundamentally, plastic pollution should no longer be understood merely as a waste management problem but as a human rights challenge

that directly threatens the conditions necessary for the enjoyment of the right to life. The failure to regulate plastic pollution effectively, therefore, represents not only an environmental governance failure but also a failure to protect environmental justice and human dignity. Consequently, the adoption of a Rights-Based Circular Plastic Governance Framework offers a pathway towards sustainable environmental protection, enhanced accountability, and the safeguarding of the rights of present and future generations.

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