

AS INTRODUCED IN LOK SABHA

Bill No. 126 of 2019

**THE MANDATORY BUYBACK AND RECYCLING OF PACKAGING
MATERIAL BILL, 2019**

By

SHRI VISHNU DAYAL RAM, M.P.

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BILL

to provide for constitution of a Committee to ensure that plastic wrapping or packing materials used by Fast Moving Consumer Goods (FMCG) companies are recycled with a view to reduce pollution and bring in a sense of the responsibility, accountability and awareness in the individuals and companies and for matters connected therewith or incidental thereto.

WHEREAS under article 48A of the Constitution of India, it is the duty of the State to protect and improve the environment and safeguard forests and wild life.

BE it enacted by the Parliament in the Seventieth Year of the Republic of India as follows:—

Short title, extent and commencement.	<p>1. (I) This Act may be called the Mandatory Buyback and Recycling of Packaging Act, 2019.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.</p>	5
Definitions.	<p>2. In this Act, unless the context otherwise requires:—</p> <p>(a) "Committee" means the Committee for Regulation of Recycling constituted under section 4;</p> <p>(b) "FMCG companies" means Fast Moving Consumer Goods Companies that sell large quantities of goods at low cost;</p> <p>(c) "packaging" means the wrap or packing material used for packaging of products manufactured by FMCG Companies;</p> <p>(d) "prescribed" means prescribed by rules made under this Act; and</p> <p>(e) "recycling" means the usage of a waste product in a process to make it a reusable material.</p>	10 15
Compulsory buyback of discarded packaging by products.	<p>3. Every FMCG company compulsorily shall buyback the discarded packaging of their products by tie-ups with retailers.</p>	
Constitution of Committee for Regulation of Recycling	<p>4. (I) The Central Government shall, within six months of the coming into force of this Act, by notification in the Official Gazette, constitute a Committee to be known as the Committee for Regulation of Recycling for carrying out the purpose of this Act.</p> <p>(2) The Committee shall consist of a Chairperson and five other members, to be appointed by the Central Government in such manner as may be prescribed:</p> <p>Provided that the Chairperson shall be selected from amongst persons having special knowledge and expertise in the field of environment and recycling of waste products.</p> <p>Provided further that—</p> <p>(a) two of the members of the Committee shall have prior experience of working with FMCG companies and thorough understanding of their functioning in relation to Corporate Social Responsibility in India;</p> <p>(b) two of the members of the Committee shall have stellar reputation among environmentalists and prior experience and thorough knowledge of recycling; and</p> <p>(c) one of the member shall have prior stellar experience in strategizing campaigns and spreading awareness.</p>	20 25 30
Term of Chairperson and members of the Committee.	<p>5. (I) The Chairperson and every member of the Committee shall hold office for a term of three years from the date of assuming office and shall be eligible for re-appointment:</p> <p>Provided that the Chairperson and the members shall not be eligible to hold office for more than two terms.</p> <p>(2) The Chairperson and the members of the Committee may resign by giving in writing a notice of not less than six months to such authority as the Central Government may, by notification, specify.</p> <p>(3) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the members of the Committee shall be such, as may be prescribed.</p>	35 40

- 6.** The Committee shall,—
- (a) publish a recycling strategy within six months of its constitution;
 - (b) after appropriate consultation,—
 - (i) set a target of recycling at least eighty per cent. of packaging of products manufactured by FMCG companies by the year 2025;
 - (ii) assist companies in spreading awareness about recycling of packaging;
 - (iii) assist companies in preparation of schemes regarding recycling of packaging;
 - (iv) encourage individuals to deposit packaging with the retailers; and
 - (v) ensure effective implementation of this Act;
 - (c) assess the positive and negative impacts of the E-waste (Management) Amendment Rules, 2018 and strive to incorporate the findings in the rules;
 - (d) in discharging its duties under this Act, consult FMCG companies, retailers, public environmental experts and such other individuals and organizations as it may deem appropriate.
 - (e) conduct periodic inspections, within such time, as may be prescribed, of FMCG companies to ensure that such companies are complying with the provisions of this Act; and
 - (f) undertake such other functions as may be assigned to it, from time to time, by the Central Government:
- Provided that if, during the course of the inspection, the Committee finds that a company has failed to comply with any of the provisions of this Act, the committee shall recommend to the Central Government the penalty to be imposed on such company.
- 7.** Every FMCG company shall set the targets as specified in the Schedule for recycling of packaging material:
- 8.** (1) Every FMCG Company shall submit a Recycling Packaging Report to the Committee, within such time as may be prescribed.
- (2) The Report of sub-clause (1) shall include:—
- (a) statistics such as the number of packaging produced every year, number of packaging recycled every year and tie-ups with retailers;
 - (b) details of their schemes, success and problems being faced in the implementations; and
 - (c) other details as deemed fit by the Committee.
- (3) The Central Government shall cause the report to be laid before each House of Parliament in such manner as may be prescribed.
- 9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds from time to time, for carrying out the purposes of this Act.**
- 10.** The provisions of this Act shall be in addition and not in derogation of any other legislation, rules, orders or instructions.

Functions of
the Committee.

FMCG
Companies to
set targets for
recycling of
packaging
material.

Recycling
Packaging
Report.

Central
Government
to provide
funds.

Act not in
derogation of
other laws.

Power to
remove
difficulty.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Act. 5

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
make rules.

12. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act. 10

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 15

SCHEDULE*(See section 7)*

Sl. No.	Year	Collection Target for Each Company
1.	2019-2020	20% of the quantity of packaging generated
2.	2020-2021	35% of the quantity of packaging generated
3.	2021-2022	50% of the quantity of packaging generated
4.	2022-2023	60% of the quantity of packaging generated
5.	2024-2025	70% of the quantity of packaging generated
6.	2025 onwards	60% of the quantity of packaging generated

STATEMENT OF OBJECTS AND REASONS

Under article 48A of the Constitution, it is the responsibility of the State to ensure the protection of our environment. Reports suggest that sixty-two million tonnes of municipal solid waste per annum is generated in urban areas of India. A majority of this waste is unsegregated and hence unfit for recycling. It is left untreated to rot in open and as such act as environmental hazard. The landfills or dumping grounds create greenhouse gases and pollute the local water, soil and air in addition to being a breeding ground for diseases.

Further, packaging of products of FMCG Companies is thrown by the public in open places. The need is to discourage such littering and instill a sense of responsibility in individuals.

Hence this Bill.

NEW DELHI;

June 6, 2019.

VISHNU DAYAL RAM

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for Constitution of a Committee for Regulation of Recycling. It is also provide for appointment of a Chairperson and members of the Committee. Clause 9 provides that the Central Government shall provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve the recurring expenditure of about rupees twenty crore per annum.

A non-recurring expenditure of rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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