

Bill No. XXXI of 2016

THE SOLID WASTE MANAGEMENT BILL, 2016

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BILL

to provide for the segregation and re-cycling of municipal solid waste, use of re-cyclable waste in waste-energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Solid Waste Management Act, 2016.

Short title,
extent and
Commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

5 (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

10 (b) “large manufacturing facility” means any manufacturing facility with an investment of more than rupees twenty crore;

(c) “municipal authority” means Municipal corporation, Municipal committee, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including Notified Area Committee or any other local body constituted under the relevant statutes and entrusted with the responsibility of management and handling of municipal solid wastes;

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(d) “segregation” means separation of municipal solid wastes into organic, inorganic, bio-degradable, non-biodegradable, recyclable and non-recyclable waste and hazardous wastes;

(e) “waste-energy plants” means plants where solid waste is treated using different techniques to produce any form of energy; and

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(f) “waste generating unit” means any entity, household or large manufacturing facility where waste is generated and which require waste disposal.

Duty of waste generating unit and large manufacturing facility.

3. (1) The appropriate Govt. shall ensure that every waste generating unit within its jurisdiction segregates waste before its disposal.

(2) In case of large manufacturing facility, the owner or the in-charge of the facility shall, as the case may be—

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(a) ensure that the waste is segregated, re-used and re-cycled at source; and

(b) undertake transportation of re-cyclable waste to waste-energy plants and the non-recyclable and non-biodegradable waste to the notified landfills, as the case may be.

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(3) The appropriate govt. shall ensure that the waste generating units are liable to pay for the waste generated by them that is sent to the landfills on the basis of the weight of the waste in such manner as may be prescribed.

Duty of the municipal authority.

4. Every appropriate Govt. shall ensure that it is the duty of the Municipal authority to—

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(a) collect the segregated waste from the waste generating units;

(b) ensure that the segregated waste collected and transported is not mixed with any other waste or any material, to the extent that mixing would hamper its re-use, re-cycle, further treatment or its use in waste-energy plants;

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(c) undertake treatment of organic waste through bio-degradation such as vermin composting, mechanical composting, by window method or any other suitable method as approved by the Central Pollution Control Board or the State Pollution Control Board, as the case may be; and

(d) transport the non-recyclable waste, non-biodegradable waste to the notified landfills.

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Penalty.

5. Whoever violates the provisions of this Act shall be punished with imprisonment for a term which may extend up to three months and fine which may extend up to rupees twenty thousand.

Central Government to provide requisite funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

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Act not in derogation of any other law.

7. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(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
5 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
10 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.

STATEMENT OF OBJECTS AND REASONS

It is estimated that more than ten lakh tonnes of waste is generated in our country. The waste is largely composed of metals, plastics, paper, food, glass and presently majority of the waste is sent to the landfills with only a portion being used in waste-energy plants or recycled or reused. Waste can instead be used as an alternative to the depleting petroleum products and it would also keep the environment safe and clean.

The Bill seeks to ensure that waste from landfills is segregated and recycled, reused as input to waste-energy projects. Non-recyclable wastes and hazardous wastes can be dumped in the notified landfills. Proper handling and disposal of municipal waste could result in generating employment and serve as an opportunity for entrepreneurs in the waste-energy sector. In various countries there are laws for proper disposal of wastes.

Hence this Bill.

DR. T. SUBBARAMIREDDY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for certain steps to be taken by the municipal authorities for collection of segregated municipal solid waste, transportation of recyclable waste to waste-energy plants and non-recyclable wastes to the notified landfills. Clause 6 provides that the Central Government shall provide adequate funds for carrying out the purposes of this Act. This Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees four hundred crore per annum would be involved from the Consolidated Fund of India.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 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 details only, the delegation of legislation power is of a normal character.

RAJYA SABHA

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to provide for the segregation and re-cycling of municipal solid waste, use of re-cyclable waste in waste-energy plants for generation of energy and transportation of non-recyclable waste into landfills and for matters connected therewith or incidental thereto.

(Dr. T. Subbarami Reddy, M.P.)