

Bill No. XXVII of 2015

THE ELECTRONIC WASTE (HANDLING AND DISPOSAL) BILL, 2015

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BILL

to provide for proper handling and disposal of millions of tonnes of electronic waste being generated by discarded electronic devices like television, personal computer, floppies, audio-video CD, batteries, cell phones, refrigerators, air conditioners, electronic toys, telephones, washing machines, electric switches, etc. by prescribing norms and fixing responsibilities and duties on manufacturers, recyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Electronic Waste (Handling and Disposal) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force with immediate effect.

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 other cases the Central Government;

(b) "consumer" means a person using products capable of generating electronic waste;

(c) "disposal" means final disposal of electronic-waste in terms of the prescribed norm to prevent contamination of ground water, surface water, ambient air quality and harmful effect on human health;

(d) "electronic-waste" means waste generated from discarded television, personal computer, floppy, audio-video CD, battery, cell phone, refrigerator, air conditioner, electronic toys, telephone, washing machine, electronic switch and such similar products; 5

(e) "operator" means a person or establishment who owns or operates a facility for collection, transportation and disposal of electronic waste;

(f) "prescribed" means prescribed by rules made under this Act; 10

(g) "re-cycler" means the person who processes electronic-waste for transforming it into raw material for producing new product which may or may not be similar to original product;

(h) "storage" means the temporary containment of electronic waste in a manner so as to prevent its littering and hazardous effects on human being; 15

(i) "transportation" means carrying of electronic waste from one place to other place hygienically through specially designed transport vehicle so as to prevent littering and harmful effect on human being.

Appropriate Government to ensure disposal of electronic-waste.

3. (1) The appropriate Government shall ensure that all the electronic wastes generated within its territorial jurisdiction is handled and disposed in accordance with compliance criteria and procedure in such manner as may be prescribed. 20

(2) **The appropriate Government shall provide infrastructure development for collection, storage, transportation and disposal of electronic waste.**

(3) The appropriate Government may after due authorization, authorize any operator to collect, transport and dispose of the electronic waste in such manner as may be prescribed. 25

Compliance criteria and procedure for disposal of electronic waste.

4. (1) The Central Government in consultation with Central Pollution Control Board may prescribe the compliance criteria and procedure for handling and disposal of electronic waste.

(2) The Central Pollution Control Board shall monitor the implementation of the compliance criteria and procedure for handling and disposal of electronic waste. 30

Duty of Manufacturer.

5. It shall be the duty of every manufacturer:—

(i) to ensure that every product being released in the market which is capable of producing electronic waste shall contain;

(a) the procedure for its handling and disposal; and

(b) the information about the parts which can be recycled and which cannot be recycled. 35

(ii) to install collection centres for the hazardous electronic waste for proper disposal depending upon the quantum of the product sold in the market; and

(iii) to create public awareness through advertisements, publications and other electronic mediums with regard to hazardous substances in their product which may cause ill effect to human body. 40

Duty of Consumer.

6. It shall be the duty of the consumer to ensure that the Electronic-Waste is not disposed of in any other manner except in the manner prescribed for the purpose.

7. (1) Every re-cycler of the electronic product shall be registered with the appropriate Government in such manner as may be prescribed. Registration and responsibility of re-cycle.
- (2) It shall be the responsibility of every re-cycler to re-cycle only those parts of an electronic product which have been permitted by the manufacture to be recycled.
- 5 **8.** Whoever violates the provision of this Act and the rules made there under shall be liable for imprisonment which may extend to one year and shall also be liable for fine which may extend to five lakh rupee. Penalty.
- 10 **9.** Where a person committing a contravention of any of the provisions of this Act or of any rule, made there under is a company, every person who, at the time the contravention committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly : Offence by a company.
- 15 Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.
- Explanation.*— For the purpose of this section :—
- (i) "company" means any body corporate and includes a firm or other association of individuals; and
- (ii) "director", in relation to a firm, means a partner in the firm.
- 20 **10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of this Act shall be in addition to and not derogation of any other law for the time in force. Act to has overriding effect.
- 25 **11.** The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

All kind of electronic goods have become the household articles today. Every home has not one but a number of electronic products. Once these electronic products become obsolete or discarded, they are either thrown in the garbage or given to *Kabariwala*. The *Kabariwala* sells these products to scrap dealers who dismantle these gadgets and keep what is useful and rest of it is rendered into garbage which then is thrown in the landfills. This, of course, is not the proper way of its disposal. In this way millions of tonnes of electronic waste is generated in various metropolitan cities in the country. A number of components in these electronic products are hazardous and should be disposed of in an environment friendly manner. Many of these products contain components that contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements can cause serious problems to the health of the person handling it and can also damage the environment if they are not disposed of properly.

In various countries, there are laws for proper disposal of electronic waste products and the procedure for it is also displayed on the product. There it is also indicated on the product what can be recycled and what cannot be recycled. But, in our country disposal of electronic-waste is nobody's responsibility. As of now, there is no law or guideline for the disposal of electronic waste and no account is being taken how much is being generated and how it is being disposed of. It is, therefore, high time that matter may be regulated before the situation becomes alarming.

Hence this Bill.

VIJAYJAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 3(2) of the Bill provides that the appropriate Government shall provide for infrastructure for collection, storage, transportation and disposal of the electronic waste. In view of this it is estimated that a recurring expenditure of rupees fifty crores would be involved from the Consolidated Fund of India per annum.

Non-recurring expenditure of rupees two hundred crores would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

The rules will relate to matters of details only. The delegation of legislative power is of normal character.

RAJYA SABHA

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(Shri Vijay Jawaharlal Darda, M.P.)