

Bill No. LXIV of 2019

THE NATIONAL COUNCIL FOR WASTE MANAGEMENT BILL, 2019

A
BILL

to provide for establishment of National Council for Waste Management for managing waste and suggest required policy measures for waste management and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called The National Council for Waste Management Act, 2019.

Short title and commencement.

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

5 **2.** In this Bill, unless the context otherwise requires,—

Definitions.

(a) 'Chairperson' means the chairperson of the National Council for Waste Management;

(b) 'Council' means the National Council for Waste Management constituted under section 3;

10 (c) 'member' means a Member of the Council;

(d) 'prescribed' means prescribed by rules under this Act;

(e) 'recycling' means the process of transforming segregated non-biodegradable solid waste into new material or product or as raw material for producing new products which may or may not be similar to the original products;

Establishment of National Council for Waste Management.

3. On and from the commencement of this Act, there shall be established, to be called the National Council for Waste Management for the purpose of performing functions assigned under this Act. 5

Constitution of the National Council for Waste Management.

4. (1) The Council shall consist of,—

(a) a Chairperson, who is or has been a Chief Justice of India or is or has been a Judge of Supreme Court or is an eminent person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to environment and handling and management of waste. 10

(b) Five members, from amongst persons of ability, integrity and standing who have had experience in law trade unionism, management of an industry or organisation committed to managing of waste in a systematic manner and creating an environment friendly atmosphere for all: 15

Provided that not less than fifty percent of the Members of the Council shall be from amongst the persons belonging to the Scheduled Castes, Scheduled Tribes, other Backward Classes, Minorities and Women.

(2) The Chairperson or a Member shall not be— 20

(i) a member of Parliament or a member of the Legislature of any State or Union territory; or

(ii) a person convicted of any offence involving moral turpitude; or

(iii) a person who has been removed or dismissed from the service of the Union or a State. 25

Appointment of Chairperson and Members on recommendations of Selection Committee.

5. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—

(a) the Prime Minister of India—Chairperson;

(b) the Chief Justice of India or a Judge of the Supreme Court nominated by him—Member; 30

(c) the Speaker of the House of People—Member;

(d) the Leader of Opposition in the House of the People—Member;

(e) one eminent jurist or environmentalist, as recommended by the Chairperson and Members referred to in clauses (a) to (d) above, to be nominated by the President—Member. 35

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Council.

Filling of vacancies of Chairperson or Members.

6. The President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of the Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act. 40

7. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term of three years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Term of office of Chairperson and Members.

5 provided that he may—

- (a) by writing under his hand addressed to the President, resign his office; or
- (b) be removed from his office; in the manner provided in section 8.

8. The President shall remove a person from the office of Chairperson or a Member, if that persons,—

Removal of Chairperson and Member from the office.

- 10 (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence involving moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- 15 (e) is without obtaining leave of absence from the Council, absent from three consecutive meeting of the Council:

Provided that no person shall be removed until that person has been given a reasonable opportunity of being heard in the matter.

9. The salary, allowances and other conditions of service of—

- 20 (i) **the Chairperson shall be the same as those of the Chief Justice of India; and**
- (ii) **other Members shall be the same as those of a Judge of the Supreme Court.**

Salary, Allowances and other conditions of service of Chairperson and Members.

10. (1) The Central Government shall provide the Council with such officers and employees as may be necessary for the efficient performance of the functions of the Council under this Act.

Officers and other employees of the council.

25 **(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Council shall be such as may be prescribed.**

11. (1) The council shall perform all or any of the following functions, namely:—

Function of the Council.

30 (a) to consult with an advise the Union and State Governments with respect to policy, programs, goals and operations of waste management, including solid and hazardous waste management functions and responsibilities, with particular emphasis on long-range planning and public education;

(b) to review implementation of current legislations in force on the waste management;

35 (c) to file annually a report of its deliberations and the recommendations sent to the Central Government.

(d) to set up research and development centers across all States and Union Territories for efficient, cost effective and less polluting mechanisms to recycle and manage various types of wastes;

40 (e) to guide industries to ensure manufacturing of quality products which last longer, resulting in its delayed disposal as waste.

(f) any other matter which may be referred to it by the Central Government.

Grants by the Central Government.	<p>12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.</p>	
Accounts and audit.	<p>13. (1) The Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.</p> <p>(2) The accounts of the Council shall be audited by the Comptroller and Auditor General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Council to the Comptroller and Auditor General.</p>	5 10
Annual Report.	<p>14. The Council shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving full account of its activities during the previous financial year and forward a copy thereof to the Central Government.</p>	
Power to make rules.	<p>15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(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.</p>	15 20

STATEMENT OF OBJECTS AND REASONS

With the ever growing population and the basic need of fulfilling the promise of 'ease of living' and 'living healthy' for all India, it is imperative that the waste that we create is managed properly. India is on the path of development, the buying power of the commoner is increasing and with this the consumption of everything is bound to increase. This will also result in the increase of waste that will be generated.

The waste can be domestic, construction, medical, bio medical, industrial, e-waste, etc. If no efficient mechanism is devised for proper disposal of such wastes, it can lead to major environmental issues. The waste management in our country is regulated by Ministry of Environment, Forest and Climate Change in coordination with State Pollution Control Boards. However, the biggest impediment in current waste management and disposal mechanism is lack of systematic and robust system of waste management wherein various stakeholders and industry experts come together to formulate most sustainable and environment friendly waste management mechanism. By managing the waste, in a systematic manner, the country will not only save tremendously in its natural resources, but also create an environment friendly atmosphere for all.

The Bill thus aims to create a National Council for Waste Management that shall consult and advise the Union and various State Governments with respect to policy, programs, goals and operations of the waste management; review implementation of current legislations in force regarding the aforesaid subject matter; set up research and development centers across all States and Union Territories for efficient, cost effective and less polluting mechanisms to recycle and manage various types of wastes; guide industries to ensure manufacture of quality products which last longer, resulting in its delayed disposal as waste.

The Bill seeks to achieve the above-mentioned objectives.

MAHESH PODDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of National Council for Waste Management for suggesting, advising and consulting with Union and State Governments for management for waste disposal across the the country. Clause 4 provides for establishment of the Council which will have six persons, including Chairperson. Clause 9 of the Bill, provides for salary, allowances and other conditions of service of Chairperson and Members. Clause 10 provides for appointment of necessary manpower, materials and other services for carrying out the purposes of this Act. Clause 11 provides for setting up research and development centres across all the State and Union Territories for efficient, cost effective and less polluting mechanisms to recycle and manage various types of wastes. Clause 12 provides that the Central Govt. shall provide funds for being utilised for the purposes of this Act.

The Bill, therefore, if enacted will involve expenditure from the Consolidate Fund of India. It is likely to involve an annual recurring expenditure of about one hundred crore from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Shri Mahesh Poddar, M.P.)