

Bill No. 16 of 2013

THE ELECTRONIC WASTE (HANDLING AND DISPOSAL) BILL, 2013

By
DR. MAHENDRASINH P. CHAUHAN, M.P.

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BILL

to provide for proper handling and disposal of electronic waste being generated by discarded electronic devices by prescribing norms and fixing responsibilities and duties on manufacturers, re-cyclers and consumers with regard to disposal of electronic waste and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill effects of non-biodegradable electronic waste;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

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

1. (1) This Act may be called the Electronic Waste (Handling and Disposal) Act, 2013.
- (2) It extends to the whole of India.

Short title,
extent and
commencement.

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

Definitions.

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

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; 5

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

(c) "disposal" means disposal of electronic waste according to prescribed norms 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 other products; 10

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

(f) "prescribed" means prescribed by rules made under this Act; 15

(g) "re-cycler" means any person or establishment engaged in re-cycling or re-processing of used electronic equipment or assembly of their component;

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

(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 effects on human being. 20

Compliance criteria and procedure for disposal of electronic waste.

3. (1) The Central Government shall, in consultation with Central Pollution Control Board, prescribe the compliance criteria and procedure for handling and disposal of electronic waste. 25

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

Appropriate Government to ensure disposal of electronic waste.

4. (1) The appropriate Government shall ensure that all the electronic waste generated within its territorial jurisdiction is handled and disposed of in accordance with compliance criteria and procedure prescribed under sub-section (1) of section 3. 30

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

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

Duty of manufacturer.

5. It shall be the duty of every manufacturer,— 35

(i) to ensure that every electronic product offered for sale in the Market contains—

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

(b) the information about the parts which can be re-cycled and which cannot be re-cycled. 40

(ii) to set-up adequate number of collection centres for the hazardous electronic waste; and

(iii) to create public awareness through advertisements, publications and other electronic media about the hazardous substances in their products which may cause ill effects on human body. 45

6. It shall be the duty of every consumer to ensure that the electronic waste is not disposed of in any manner except in the manner prescribed for the purpose. Duty of consumer.
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-cycler.
- 5 (2) Every re-cycler shall re-cycle only those parts of an electronic product which have been marked as re-cyclable by the manufacturer.
8. Whoever violates the provisions of this Act or the rules made thereunder shall be punished with imprisonment for a term which may extend to one year and with fine which may extend to five lakh rupees. Penalty.
- 10 9. Where a person contravenes any of the provisions of this Act or of any rule, made thereunder is a company, every person who, at the time of contravention, 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 deemed to be guilty of commission of an offence under this Act 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 "company" means any body corporate and includes a firm or other association of individuals.
- 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. Act to have overriding effect.
11. (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.
- 25 (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
- 30 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

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 bin or sold as scrap. The scrap dealers dismantle these gadgets and keep what is useful and rest of it is rendered into garbage which is then thrown in the landfills. This, of course, is not the proper way of disposal of electronic waste. In this way millions of tonnes of electronic waste is generated in various metropolitan cities of the country. A number of components in these electronic products are hazardous and should be disposed of in a manner that does not harm the environment. Many of these products contain toxic substances like lead, cadmium, mercury, hexavalent chromium, barium, beryllium and carcinogenic agents like carbon black and heavy metals. These elements cause serious health problems to the persons handling electronic waste and also damage the environment.

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

Hence this Bill.

NEW DELHI;
November 7, 2012.

MAHENDRASINH P. CHAUHAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall provide infrastructure facilities for collection, storage, transportation and disposal of electronic waste. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may also have to provide some financial assistance to the States for this purpose. Also, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to 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 detail only.

The delegation of legislative power is, therefore, of a normal character.

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