

**COMMITTEE ON SUBORDINATE LEGISLATION**  
**(2016-2017)**

**(SIXTEENTH LOK SABHA)**

**TWENTY THIRD REPORT**

**[ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS/ OBSERVATIONS  
CONTAINED IN THE FIFTEENTH REPORT OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION (SIXTEENTH LOK SABHA) ON E-WASTE MANAGEMENT]**



सत्यमेव जयते

**LOK SABHA SECRETARIAT  
NEW DELHI**

**4 August, 2017/ 13 Sravana , 1939 (Saka)**

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LEGISLATION (SIXTEENTH LOK SABHA) ON E-WASTE MANAGEMENT]**

**(PRESENTED TO LOK SABHA ON 10.8.2017)**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**4 August, 2017/ 13 Sravana , 1939 (Saka)**

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (16<sup>th</sup> LOK SABHA)  
(2016-2017)**

Shri Dilipkumar Mansukhlal Gandhi                      **Chairperson**

**Members**

2. Shri Idris Ali
3. Shri Birendra Kumar Chaudhary
4. Shri S. P. Muddahanume Gowda
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2. Shri Ajay Kumar Garg                      -                      Director
3. Smt Jagriti Tewatia                      -                      Deputy Secretary

(iii)

## **INTRODUCTION**

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, present this Twenty Third Action Taken Report.

2. This Report relates to the action taken on the recommendations of the Committee contained in the Fifteenth Report (2016-2017) (Sixteenth Lok Sabha) which was presented to Lok Sabha on 10.8.2016.

3. The Committee considered and adopted this Report at their sitting held on 4.8.2017.

4. Extracts from the Minutes of Nineteenth Sitting of the Committee (2016-17) held on 4.8.2017 relevant to this Report are included in Appendix-I of the Report.

5. An Analysis of the Action Taken by Government on the recommendations/ observations contained in the Fifteenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) is given in Appendix II.

**New Delhi;  
4 August, 2017  
13 Sravana, 1939 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI  
Chairperson,  
Committee on Subordinate Legislation**

## REPORT

This Report of the Committee on Subordinate Legislation (2016-17) deals with the action taken by the Government on the recommendations contained in their Fifteenth Report (Sixteenth Lok Sabha) which was presented to Lok Sabha on 10.8.2016.

2. The Fifteenth Report contained recommendations on the following issues: -

- I. Rules Governing e-Waste
- II. Poor Submission of Annual Returns by State Pollution Control Boards
- III. Need for Prevention of Illegal Trade in Electrical and Electronic Equipment (EEE)
- IV. Need for Fiscal Incentives to the e-Waste Processing Industry
- V. Need for e-Waste Collection in Organised Manner
- VI. Implementation of Penal Provision
- VII. Funds for Training and Capacity Building Programme
- VIII. Awareness Programmes
- IX. Research and Development (R&D)
- X. Need for Separate Legislation

3. Action taken replies in respect of all the ten observations/recommendations contained in the report have been received from the Ministry of Environment, Forests and Climate Change on 20.10.2016. For observations/recommendations at Sl. No. 8 and 9, replies from Ministry of Electronics and Information Technology have also been received on 30.9.2016.

4. Replies to the observations/recommendations contained in the Report have broadly been categorized as follows:-

- (i) Observations/Recommendations which have been accepted by the Government

Sl. Nos. 1, 2, 3, 4, 6, 7, 8, 9 & 10

Total 9  
Chapter II

- (ii) Observation/Recommendation which the Committee do not desire to pursue in view of the Government's reply.

Sl.Nos. 5

Total 1  
Chapter III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee

Sl. No. Nil

Total Nil  
Chapter IV

- (iv) Observation/Recommendation in respect of which final reply of the Government is still awaited

Sl. No. Nil

Total Nil  
Chapter V

**5. The Committee note from the action taken replies that the Ministry of Environment, Forests and Climate Change have accepted in principle most of the recommendations made by the Committee in their report. Similarly the two recommendations pertaining to the Ministry of Information Technology (Deptt. of Electronics & IT) have also been accepted by them. The Committee do hope and trust that utmost importance would be given to implementation of the observations/recommendations accepted by the Government. In case, where it is not possible for the Government to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee with reasons for non-implementation.**

6. The Committee will now deal with action taken by the Government on some of their observations/recommendations made in the 15th Report.

**Recommendation at Sl. No.1 regarding rules governing e-waste.**

**The Committee in their original report while taking into consideration the exponential increase in the e-waste generation in the country over the last decade and also taking note of the unsatisfactorily working and compliance of the e-waste(Management and Handling) Rules, 2011, had strongly recommended that the Government must evolve a robust mechanism and create adequate infrastructural facilities in the country so that the rules could be implemented in an effective and**



efficient manner within a given timeline. The Ministry of Environment, Forest & Climate Change (MoEF&CC) in their action taken reply have stated that the amended E-waste Amendment Rules, 2016 coming into force from October, 2016 are intended for effective implementation and monitoring mechanism and will help significantly in diverting the e-waste from informal to authorised formal recyclers thus reducing the negative impact on health and environment. While noting, it may not have been feasible for the Ministry to draw any meaningful conclusion about the efficacy of the Rules in tackling the problem of e-waste management during this short period of coming into force of the amendment rules and reporting the same to the Committee at the action taken stage, the Committee, reiterate that merely notifying the Rules is not enough until or unless there is strong and effective implementation and monitoring mechanism coupled with the availability of necessary infrastructural facilities for ensuring compliance of the Rules. The Committee, therefore, desire that the Ministry may develop mechanism to assess the impact of the E-waste Management Rules 2016, in handling of e-waste in the country in a quantified and comparable manner with the Rules of 2011 and furnish a detailed report to the Committee.

#### Recommendation at Sl.No.4 regarding the need for fiscal incentive to the e-waste processing industry

The Committee in their original report, had strongly recommended the Government to come out with more tax concessions and incentives for the e-waste generation industry so that e-waste management becomes an enduring success story. The Committee note from the action taken reply of MoEF&CC that two schemes, namely, Deposit Refund Scheme and Creation of Management Structure for Hazardous Substances are already there and later has provision for granting Central and State subsidy to the e-waste recycling units. The Committee, however, note that the Ministry has not furnished any details as to how much Government subsidy has been granted so far under the scheme or what has been the impact so far of the existing schemes in improving e-waste management industry in the country. The Committee would like the Ministry to furnish all such details for perusal of the Committee within six month of the presentation of this Report.

#### Recommendation at Sl. No.8 regarding awareness programmes

Stressing on the awareness creation for effective implementation of e-waste management rules, the Committee had recommended for more serious efforts on the spread of awareness programmes besides incorporation of the same in schools and colleges curriculum. The Committee note from the action taken reply of the MoEF&CC that this issue has been taken care of in the rules with specific responsibility imparted on producers for awareness creation. Suitable content is also being developed by MeitY

(Ministry of Electronics and Information Technology) for various stakeholders including students. According to the Ministry, once the content is finalised, the same would be forwarded to the Ministry of HRD for incorporation in the curriculum of schools and colleges appropriately. The Committee while appreciating the efforts being made by the Ministry for spreading awareness about e-waste management desire that the Ministry may apprise them of the progress made so far in this regard within six month of the presentation of this Report.

#### Recommendation at Sl.No.10 regarding need for separate legislation

The Committee in their original report had observed that e-waste management is a highly specialised field requiring technical knowledge, expertise and skilled manpower. However, it is a common sight that local kabadiwala (waste collector) who do not possess such knowledge and skill, are handling the e-waste resulting in serious damage to the environment. In this context, the Committee had desired that the Government should consider the feasibility of bringing a separate legislation of e-waste instead of handling it under the Environmental Protection Act,1986. The Committee note from the action taken reply of the Ministry that officials of CPCB and SPCBs are scientists and engineers with adequate qualifications and are imparted various trainings to augment their knowledge and skills in handling e-waste. As regards a separate legislation for e-waste management, according to the Ministry, the present e-waste Rules 2016 adequately handle the issue of e-waste management and as such there is no need for a separate Act for the purpose. The Committee have also been apprised that under the Rules, CPCB has been assigned duties to prepare guidelines for environmentally sound management of e-waste. The Committee would like to be apprised of the details of the guidelines, and their implementation status. In this regard, the Committee while taking into consideration the action taken reply of the Ministry, desire that the Government should take a survey across the country to gauge the effectiveness of the amended rules in areas like impact of e-waste rules in control of environment pollution, handling of e-waste by the unorganised sector like kabadiwalas etc. and the Committee may be informed about the same within six months of the date of presentation of this report.

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### (Recommendation No.1)

##### Rules Governing e-Waste

The Committee note that the term e-Waste broadly connotes wastes from electrical and electronic equipment (EEE) which are intended to be discarded. e-Waste is categorized as hazardous waste due to the presence of toxic materials such as mercury, lead and brominated flame retardants and may also contain precious metals such as gold, copper and nickel and raw materials such as indium and palladium. The Committee note that during the last decade, there has been an exponential increase in the generation of e-Waste all across the world including India and according to Central Pollution Control Board's (CPCB) estimate, 1,46,800 metric tons (MT) of e-Waste was generated in India in the year 2005 which increased to an estimated 8,00,000 MT by 2012, and 16.4 lakh MT by 2014. Considering that India is going through an exciting phase of development and economic transformation, the Committee are apprehensive that the quantum of e-Waste generation is likely to assume alarming proportions in the coming years posing a serious threat to the environment. In this context, the Committee, feel extremely worried and perturbed to find that no serious efforts have been made in the past to address this escalating issue of environmentally sound management of e-Waste being generated in the country. Although the Government of India notified the Hazardous Waste (Management and Handling) Rules way back in 1998 under the Environment (Protection) Act, 1986 and also brought some amendments therein from time to time, but the distinct and the much delayed e-Waste (Management & Handling) Rules 2011 were notified and made effective from 1 May, 2012. These Rules are applicable to every producer, consumer, collection centres of e-Waste, dismantler and recycler of e-Waste. For the first time in India, the concept of 'Extended Producer Responsibility (EPR)' was enshrined in the Rules making the producers of EEE responsible for ensuring environmentally sound management of the e-Waste generated from their equipment. However, taking cognizance of the unsatisfactory working and compliance of the various provisions of the Rules, the Ministry of Environment, Forests and Climate Change amended these Rules by notifying the e-Waste (Management) Rules, 2016 on 23 March, 2016 which are to come into force with effect from 16 October, 2016 and are intended to cure the defects and shortcomings of the Rules of 2011.

In the above backdrop, the Committee express their serious concern over the handling of such an environmentally sensitive issue of e-Waste management and feel that the Government have done too little and too late to address such a serious looming hazard. The Committee are of the considered view that merely notifying the Rules is not enough until or unless there is strong and effective implementation and monitoring mechanism coupled with the availability of the necessary infrastructural facilities for ensuring compliance of the Rules.

The Committee, therefore, strongly recommend that the Government must evolve a robust mechanism and ensure creation of adequate infrastructural facilities in the country so that the Rules could be implemented in an effective, efficient manner and within the given time line. The Committee would like to be apprised of the overall impact of the Rules on containing environmental degradations.

### **Reply of the Ministry**

The effective implementation and monitoring mechanism forms the basis of amendment of the rules. The rules itself provide the robust mechanism forms the basis of amendment of the rules. The rules itself provide the robust mechanism framework toward meeting this obligation of monitoring and implementation. Some of the specific provisions are as cited below:-

- (i) The rules provide the target based approach for implementation of Extended Producer Responsibility (EPR), with flexibilities in term of various permission and other available supportive instrument for implementation.
- (ii) EPR authorization for producers is now being made CPCBs responsibility to ensure Pan India implementation and the permission for recyclers / dismantlers has been simplified by one system i.e. authorization instead of bother registration and authorization.
- (iii) Stakeholders to be covered under the rules have been expanded to manufactures, dealers, refurbishers, e-retailer and Producer Responsibility Organization (PRO) to address leakage of e-waste in informal sector.
- (iv) Various non-mandatory options for ease of implementation of EPR has been given; as setting up of PRO, e-waste exchange, e-retailer, Deposit Refund Scheme (DPR).
- (v) Responsibility of state government has been introduced in the rules in order to ensure safety, health and skill development of workers involved in the dismantling and recycling operations.
- (vi) In addition to above Standard Operating Procedures (SOP)/technical guidelines for effective implementation, which include necessary infrastructure facilities for recyclers, dismantlers and collection centers are being formulated and reviewed and will be finalized by October, 2016.

E-Waste, if handled and dismantled in unscientific manner without following necessary precautions w.r.t environmentally sound management of such wastes, poses serious risk health and environment. Various reports indicate that still more than 80% of e-waste is being handled in informal sector in unscientific manner without following adequate precautions. The emission and leachates from such sources are the major reason for environmental degradation simultaneously posing risk to health. The new provisions as indicated above will help significantly in diverting this waste form informal to authorized formal recyclers thus reducing the negative impact on health and environment.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)  
(Please see para 6 of Chapter-I)**

**(Recommendation No.2)**

**Poor Submission of Annual Returns by State Pollution Control Boards.**

The poor performance in submission of Annual Returns by SPCBs has the effect of derailing the entire process of collecting information and monitoring implementation of the Rules in an effective manner. The Committee, recommended that the Ministry of Environment, Forests and Climate Change must reign in the erring SPCBs and ensure strict compliance of the Rules. The Committee also agree with the suggestion for establishment of separate e-Waste management division/unit in SPCBs/PCCs, by making the provision of their incorporation under the Rules headed by an officer of adequate seniority and practical experience. The Committee also recommend that the requisite amendment in this regard be carried out in the Rules at the earliest and the Committee apprised.

**Reply of the Ministry**

Poor performance of SPCBs has been under review since long under all the waste management rules not only w.r.t submission of annual return but also, w.r.t their role in regulation, monitoring and ensuring necessary compliance. Accordingly, in the amended new e-waste Rules 2016, the EPR authorization has been made CPCB's responsibility with Pan India implementation, diverting it from the responsibility of SPCBs, thus reducing the load of SPCBs significantly. Their role under the rules is now limited to issuance of authorization to dismantlers/recyclers, giving them ample scope of focusing on monitoring and compliance which include timely submission of annual reports. With recent impetus on online waste management system, the maintenance of information and submission of record will be much easier process. The provision in the rules on the need of enclosing inspection report with authorization by SPCBs and random inspection of recyclers, dismantler and refurbishers by CPCB will ensure the necessary checks.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)**

**(Recommendation No.3)**

**Need for Prevention of Illegal Trade in Electrical and Electronic Equipment (EEE)**

The Committee note that compilation of information on the inventory of e-Waste is a necessary pre-requisite for any policy making and management at any level. In this context, the Committee note that as per Rule 15 of the e-Waste (Management and Handling) Rules, 2011,

the State Pollution Control Boards (SPCBs)/ State Pollution Control Committees (SPCOs) are required to prepare and submit Annual Reports to Central Pollution Control Board (CPCB) by 30<sup>th</sup> September of every year with regard to e-Waste handling to the Central Pollution Control Board which in turn will prepare a consolidated Annual Review Report and forward the same to the Central Government before 30<sup>th</sup> December, every year. The Committee also appreciate the efforts made by the Ministry in formulating new Form for compilation of e-Waste information which is comprehensive enough to make things easier and less complex. The Committee, however, are appalled to find that around half of the State Pollution Control Boards (SPCBs) have not submitted their Annual Returns regarding inventorisation of e-Waste to the Central Pollution Control Board (CPCB) as most of the SPCBs have been consistently defaulting on submitting annual reports over last 3 years. The Committee consider it a serious lapse on the part of SPCBs, CPCBs as well as the Ministry. In their considered view, such poor performance in submission of Annual Returns by SPCBs has the effect of derailing the entire process of collecting information and monitoring implementation of the Rules in an effective manner. The Committee, therefore, strongly recommend that the Ministry of Environment, Forests and Climate Change must reign in the erring SPCBs and ensure strict compliance of the Rules. The Committee also agree with the suggestion for establishment of separate e-Waste management division/unit in SPCBs/PCCs, by making the provision of their incorporation under the Rules headed by an officer of adequate seniority and practical experience. The Committee also recommend that the requisite amendment in this regard be carried out in the Rules at the earliest and the Committee apprised.

### **Reply of the Ministry**

All the necessary measures to regulate the import of second hand EEE are underway under the Hazardous Other Waste (Management and Transboundary Movement) Rules, 2016; to ensure that the country doesn't become dumping yard for clandestinely smuggled e-waste. The hazardous waste rules prescribe sufficient regulatory provisions to address the issue to illegal import of e-waste in the country. Simultaneously, ministry is also initiating sensitization and awareness initiatives on the waste management rules under the Swachh Bharat Mission, which will include capacity building of Customs and Port authorities w.r.t their role under Hazardous Waste Rules, 2016.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)**

### **(Recommendation No.4)**

### **Need for Fiscal Incentives to the e-waste processing industry**

The Committee note that the e-Waste Rules of 2016 cast certain responsibilities on State Governments for ensuring environmentally sound management of e-Waste. For instance, the Department of Industry in a State or any other Government Agency authorised in this regard has been mandated to ensure allocation of industrial space for e-Waste dismantling and

recycling in the existing or upcoming industrial parks. The Department of Labour has been tasked with responsibility to ensure reorganisation and registration of workers involved in dismantling and recycling besides undertaking industrial skill development activities. Further, the Committee are of the considered view that tax concessions and other incentives are very crucial for encouraging the development of the e-Waste Management Industry in the country where the demand for electronic goods is growing by leaps and bounds. Notably, the incentives to the consumers for returning the e-Waste to the recycling units or producers are also an essential concomitant to the chain of managing the e-Waste in the country. The Committee strongly recommend that the Government come out with more tax concessions and incentives for the e-Waste generating industry so that e-Waste management becomes an enduring success story.

### **Reply of the Ministry**

The incentives to the consumers for returning the e-waste to the recycling units or Producers is already indicated as Deposit Refund Scheme (DRS) in the rules. Further, Ministry already has scheme, 'Creation of Management Structure for Hazardous Substances', which has provision for granting central and state subsidy to the e-waste recycling units.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMD dated 20.10.2016)**  
**(Please see para 6 of Chapter-I)**

### **(Recommendation No.6)**

#### **Implementation of Penal Provision**

The Committee note that Rule 21 of the e-Waste Management Rules of 2016 prescribes liabilities of manufacturers, producers, importers, transporters, dismantlers, recyclers, collection Centres, dealers, refurbishers, etc. in discharging their functions as defined under in the e-Waste handling Rules and making them liable for all the damages caused to the environment or third party due to improper handling and management of e-Waste and to pay financial penalties as levied for any violation of the provisions under the Rules by the concerned State Pollution Control Boards with prior approval of the Central Pollution Control Board. The Committee feel that the penal provisions can have the desired effect only when their implementation is effective. The growth of the informal sector among the recyclers as discussed in previous chapter is the result of poor and ineffective implementation of the penal provisions. The Committee are dismayed at the non-compliance of the rules by the State Pollution Control Board (SPCB) of many States in the matter of furnishing the annual returns to the Central Pollution Control Board (CPCB) as detailed elsewhere in this report. If such is the state of affairs of Governmental agencies, the Committee wonder, how the non-governmental agencies concerned with the e-Waste can be held responsible. The Committee wish to reiterate that a sound democracy presupposes rule of law enforced equally binding all entities and

institutions including the State itself. The Committee, therefore, recommend that the MOEFCC strengthen implementation mechanism of the Rules and any kind of violation of the e-Waste rules should be dealt with sternly by imposing the prescribed penalties.

### **Reply of the Ministry**

As informed earlier, poor performance of SPCBs has been under review since long under all the waste management rules, not only w.r.t submission of annual return but also, w.r.t their role in regulation, monitoring and ensuring necessary compliance. Accordingly, in the amended new e-waste Rules 2016, the EPR authorization has been made CPCB's responsibility with Pan India implementation, diverting it from the responsibility of SPCBs, thus reducing the load of SPCBs significantly. Their role under the rules is now limited to issuance of authorization to dismantlers/recyclers, giving them ample scope of focusing on monitoring and compliance which include timely submission of annual reports. With recent impetus on online waste management system, the maintenance of SPCBs strictly under the rules, a separate provision has been created in the rules, wherein they have been necessitated to provide copy of inspection report signed by the inspecting officer to the applicant along with the authorization. Further, CPCB has also been assigned under its duties, random inspections of recyclers, dismantlers and refurbishers as to be given authorization by SPCBs. This will ensure necessary checks. Furthermore, penalty provision has been now made part of the rules which indicate that the manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the SPCB with the prior approval of CPCB.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)**

**(Recommendation No.7)**

### **Funds for Training and Capacity Building Programme**

The Committee note that the availability of adequately skilled manpower in appropriately handling the ever growing e-Waste in the country is a sine qua non for effective e-Waste management. In this context, the Ministry of Environment, Forest and Climate Change have informed the Committee that the E - Waste Rules of 2016 lay emphasis on training and skill development. The Committee, however, feel concerned to find that the Department of Electronic and Information Technologies (DeiTy), entrusted with the task of developing technology to recycle e-Waste in an environment friendly manner, have not initiated any programme on skill development and training in handling e-Waste. Moreover, the Central Sector Scheme "Creation of Management Structure for Hazardous Substances" of the Ministry of Environment, Forest and Climate Change has not been much successful. The committee also find that the funds allocated for the scheme by the Ministry over the last four years have remained very erratic. The amount allocated in 2012-13 was Rs 14,00,000 which came down to



Rs 4,00,000 during 2013-14, and then in 2014-15 increased to Rs 18,54,797 and now in 2015-16 it plummeted to Rs 19,992. Moreover, the Ministry admitted that the impact of the capacity building under the e-Waste (Management & Handling) Rules, 2011 had not achieved the desired results. The Committee therefore, conclude that not much has been done so far towards creation of adequate skilled manpower required for effective handling of e-waste and launch of any effective capacity building programmes in the country. The Committee are of the considered opinion that in the absence of adequate skilled manpower, the e-Waste handling Rules cannot be properly implemented. The Committee, therefore, strongly recommend that Ministry should re-emphasise on training & capacity building programmes and more funds should be allocated to this effect in a consistent manner for desired results.

### **Reply of the Ministry**

Training and capacity building including specific skill development activities have been integrated as important provision in the rules. Producers have the responsibility under EPR for creating awareness through media, publications advertisements, posters etc. State Government has also been given specific responsibility to undertake industrial skill development activities for the workers involved in dismantling and recycling, in addition to other responsibilities under the rules. Further, Ministry of Electronics & Information Technology (MeitY) has initiated a pilot project entitled "Awareness Programme on Environmental Hazards of Electronic Waste" under Digital India initiatives. The programme aims to provide training, tools, content materials, films, printed materials to create awareness in order to reduce the adverse impact on environment and health due to the polluting methods, used in the unorganized sector for recycling e-waste. During the entire project duration of 5 years, a city each in the 10 identified States would be covered.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)**

### **(Recommendation No.8)**

#### **Awareness Programmes**

The Committee note that the very backbone of the campaign for management and handling of e-Waste is embedded in the awareness programme. Notably, the Ministry accepted candidly that the major drawback of the e-Waste (handling and management) Rules, 2011 was the lack of thrust on creation of awareness the consumers and public at large in handling the e-Waste. The Committee, therefore, hardly need to emphasise that the awareness creation should remains a constant focus for effective implementation of e-Waste rules and the Ministry should make more serious efforts in the spread of awareness programmes and the onus of these programmes should rest with everyone associated with management of e-Waste. The Committee also strongly emphasise that the e-Waste management should invariably be

incorporated in the curriculum in schools and colleges so that the future generations are sensitised of the e-Waste management practices and the need therefor.

### **Reply of the Ministry**

As informed w.r.t other recommendations, awareness has been focus of the rules and has been amply emphasized within the rules with specific responsibility imparted to Producers for awareness creation. As informed by MeitY, under their above said programme, suitable content is being developed for various stakeholders, including students. Once the content is finalized, the same would be forwarded to Ministry to HRD for incorporation in the curriculum of schools and colleges appropriately.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMD dated 20.10.2016  
M/o Electronics and Information Technology OM No. 8(2)/2016-Parl. 30.9.2016)**

**(Please see para 6 of Chapter-I)**

### **(Recommendation No.9)**

#### **Research and Development (R&D)**

The Committee note that research and development in the technology pertaining to the management of e - waste in an environmental friendly manner falls within the domain of the Department of Electronic and Information Technology who have initiated a number of R & D projects at various National Institutions in India. In this regard, the Committee note the status of various R&D projects like: (i) the processing technology for recycling of e-Waste through physical separation and chemical leaching methods developed at National Metallurgical laboratory (NML), Jamshedpur has yet to be commercialised; (ii) the recovery process of precious metals from Printed Circuit Board had been successfully developed by Centre for Materials for Electronics Technology (C-MET), Hyderabad; (iii) recovery and conversion of e-Waste plastics to value added products had been successfully developed at Central Institute of Plastics Engineering & Technology (CIPET) - Bhubaneswar; (iv) establishment of first Govt. testing laboratory for hazardous substances pertaining to electronics and electrical equipment at C-MET, Hyderabad. The Committee express their satisfaction at such initiatives, and feel that it would go a long way in helping local companies to utilise these indigenous technologies which are less expensive alternatives to the imported technologies. The Committee are, however, at the same time worried that the various e-Waste recycling R&D processes developed under DeitY have not so far become commercially viable due to lack of financial assistance and also due to lack of interest by the industry. The Committee, therefore, recommend that the DeitY, responsible for Research and Development in the e-Waste management technology, should make concerted efforts in-cooperation and coordination with the Ministry of Environment, Forest and Climate Change so as to extend financial assistance to companies making foray into e-Waste recycling or make the technology cost effective and also

promote public private partnership in this field. The Committee are also of the considered view that the DeitY should go full throttle in exploiting the talent across the country and across institutions of scientific excellence to promote research in the field of e-Waste management.

### **Reply of the Ministry**

As informed earlier, Ministry already has scheme, 'Creation of Management Structure for Hazardous Substances', which has provision for granting central and state subsidy to the e-waste recycling units. MeitY has informed that in order to make the e-waste recycling R&D processes commercially viable, effort would be made to explore possibility to set up Eco-Park under PPP partnership by providing infrastructure, training, tools etc. Such eco-park could provide a system for channelization of e-waste for environmentally sound recycling in the organized sector by bringing together formal and informal sector. The activities of the park could be built upon the existing indigenous technologies for printed circuit board recycling, developed by MeitY in various research endeavours.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016  
M/o Electronics and Informaton Technology OM No. 8(2)/2016-Parl. 30.9.2016)**

### **Need for separate legislation**

#### **(Recommendation No. 10)**

The Committee note that unlike the management and handling of other environmental pollution areas concerning air, water, hazardous waste, etc., the management, handling and recycling of e-waste is a highly specialized field which requires high level of technical knowledge, expertise and sufficiently skilled manpower. In this context, the Committee feel that the present setup of management of e-Waste under the Environment Protection Act, 1986 and the rules framed there under have failed to yield any tangible results. Moreover, the Central Pollution Control Board and the State Pollution Control Boards, which have been assigned a major role in implementation of e-waste handling rules, neither possess the skilled manpower nor the technical expertise on various aspects of e-waste. Taking into consideration the alarming growth in the generation of e-waste in the country, the Committee are anguished to find that there is no independent and effective legislative framework to tackle the growing menace of e-Waste. It is a common sight that the local waste collector (Kabadiwala) is collecting all kind of discarded electrical and electronics goods from the doorsteps of the homes and waste dump sites. These Kabadiwala (waste collectors) who do not have much knowledge of the dangers posed by the dismantling of such hazardous equipments, generally take out the useful parts and throw rest of the things in dustbin or burn them causing serious damage to the

environment. There have also been serious instances when in the process of disintegration / segregation of such items, they were severely injured.

The Committee, therefore, are of the considered view that in order to tackle the issue of e-waste handling and management in any effective and meaningful manner, the Government may consider the desirability of bringing a separate legislation on e-waste instead of handling it under the Environment Protection Act. Such legislation may prescribe for establishment of a central authority /central public sector undertaking having experts from IT field and other technical domains possessing knowledge of e-waste disposal, management and recycling techniques and its own e-waste collection centre/ recycling plants with state-of-art technologies, in all major cities of the country. The law should make it mandatory that the e-waste generated from various government departments/public sector undertakings all over the country as well as by entities and individuals, big or small industrial houses, educational institutions, etc. shall be deposited at the designated collection centres of the said CPSU, as in the considered view of the Committee, if a government body is entrusted with this job it will be done in a methodical and safe manner and will ensure that e-waste does not create environmental pollution. The rules and regulations in this regard can be framed accordingly so that a beginning is made in the country. The Committee would like to be apprised of the action taken by the Government in this regard.

The Committee would like to be apprised of the action taken by the Government on the recommendations contained in the Report within three months of the date of presentation of the Report.

### **Reply of the Ministry**

This will be misnomer to say CPCB and SPCBs neither possess the skilled manpower nor the technical expertise on various aspects of e-waste. In fact, the officials of CPCB and SPCBs have the maximum opportunity of getting augmented their technical expertise through their field level experiences. The officials appointed in these organizations are scientists and engineers with adequate qualification to handle such scientific issues as environmentally sound management of wastes including e-waste. Further, they are exposed to various trainings to augment their knowledge and skill to handle any technological evolution in various sectors. In fact, the guidelines and Standard Operating Procedures are formulated by CPCB which are used by various stakeholders including recyclers/dismantlers across the country. Under the Rules also the CPCB has been assigned duties to prepare guidelines for environmentally sound management of e-waste. With some regular training, infrastructure and manpower augmentation these boards are well equipped to discharge their responsibilities under the rules. As far as the proposal of new Act is concerned, the need for that arises only when the EPA, 1986 doesn't have adequate provision for giving scope for formulation of such Rules. The Act already provide the necessary overreaching framework for formulation and speedy

implementation of any such legislation. The implementation issue has already been handled adequately in the present E-Waste Rules, 2016 and thus need for a separate Act for the purpose.

**(M/o Environment, Forests & Climate Change OM No. dated 08.11.2012)**  
**(Please also see para 6 of Chapter - I)**

## CHAPTER III

### RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLIES

#### (Recommendation No.5)

##### **Need for e-waste collection in organized manner.**

The Committee note that the Producers, Consumers, Refurbishers, and Collection Centres, etc. play a very vital role in the safe disposal and management of e-Waste. The Committee also note that the role, functions and responsibilities of each of these bodies have been prescribed in a very comprehensive manner under the e-Waste (handling) Rules, 2016. The Committee, however, note that presently, there is a complete absence of any system of collection of e-Waste by authorised collection centres or the producers of the equipment and majority of the e-Waste generated in India lands in informal sector.

As a result, more than 95% of the e-Waste generated in India is handled by the informal recyclers of e-Waste thereby posing a serious threat to the environment and health risks to the workers on account of absence of any kind of professional skills and Technology for safe handling of e-Waste. The Committee note that informal recyclers enjoy a far greater reach to e-Waste as compared to the formal recyclers. The Committee, therefore, urge the Government to explore the feasibility to integrate the informal recyclers with the formal recyclers so that the potential of large number of workers, who have greater accessibility to the e-Waste, among informal recyclers is harnessed properly and that all the stakeholders involved are benefited. This would also result in improvement of the health conditions of workers active in the e-Waste recycling in the informal sector. In addition to this, the Committee further recommend for concerted efforts to be made by the Government as well as other stakeholders for setting up of sufficient number of e-Waste collection centres all across the country and ensuring their easy and convenient accessibility to all the concerned persons / organisations.

##### **Reply of the Ministry**

The rules now focus on collection mechanism based approach wherein the Producer has the complete responsibility of collection as part of EPR to meet the target. Authorization is not required for Collection centers which shall now be Producers responsibility with collection mechanism approach. With this target based approach, Producers will have to ensure efficient collection mechanism to meet the target.

The roles of the State Government has been also introduced in the Rules in order to ensure safety, health and skill development of the workers involved in the dismantling and

recycling operations. These responsibilities include earmarking or allocation of industrial space or shed for e-waste dismantling and recycling in the existing and upcoming industrial park estate and industrial clusters Department of Industry in State or any other government agency authorised in this regard by the State Government; industrial skill development activities, assisting in formation of group of workers and annual monitoring for safety and health for the workers involved in dismantling and recycling by Department of Labour in the State or any other Government agency authorized. State Government is also to prepare integrated plan for effective implementation of these provisions, and is to submit annual report to this Ministry. This provision is essentially to ensure integrating the informal sector with the formal sector through adequate training and skill development and to ensure health and safety of such workers.

**(M/o Environment, Forests & Climate Change OM No. 2-1/2016-HSMDdated 20.10.2016)**

## **CHAPTER IV**

### **RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED**

**-NIL-**



**CHAPTER V**

**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE  
GOVERNMENT ARE STILL AWAITED**

**-NIL-**

**New Delhi;  
4 August, 2017  
13 Sravana, 1939 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI  
Chairperson,  
Committee on Subordinate Legislation**

**Appendix – I**  
(Vide Para 4 of the Introduction)

**MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE ON  
SUBORDINATE LEGISLATION (2016-2017)**

The Nineteenth sitting of the Committee (2016-2017) was held on Friday, the 4<sup>th</sup> August, 2017 from 1500 hours to 1600 hours in Chairperson's Chamber, Room No. 146, Third Floor, Parliament House, New Delhi.

PRESENT

Shri Dilipkumar Mansukhlal Gandhi                      Chairperson

MEMBERS

2. Shri Idris Ali
3. Shri Birendra Kumar Chaudhary
4. Shri Shyama Charan Gupta
5. Shri Jhina Hikaka
6. Shri Janardan Mishra
7. Shri Prem Das Rai
8. Shri Chandulal Sahu
9. Shri Alok Sanjar
10. Shri Ram Prasad Sarmah
11. Adv. Narendra Keshav Sawaikar

SECRETARIAT

1. Smt Sudesh Luthra                      -            Additional Secretary
2. Shri Ajay Kumar Garg                -            Director
3. Shri Nabin Kumar Jha                -            Additional Director
4. Smt Jagriti Tewatia                    -            Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- (i) XX XX XX XX
- (ii) XX XX XX XX
- (iii) XX XX XX XX
- (iv) Draft Twenty-third Action Taken Report on the Observations / Recommendations contained in the 15<sup>th</sup> Report of the Committee on Subordinate Legislation (16<sup>th</sup> Lok Sabha) on E-Waste Management.

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.

## APPENDIX II

*(Vide para 5 of the Introduction)*

### **Analysis of the Action Taken by Government on the recommendations/ observations contained in the Fifteenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) on “E-Waste Management”.**

I	Total number of recommendations	10
II	Recommendations that have been accepted by the Government [vide recommendations Nos. 1,2,3,4,5,6,7,8,9,10]	9
	Percentage of total	90%
III	Recommendation which the Committee do not desire to pursue in view of Government’s replies	1
	Percentage of total	10%
IV	Recommendations in respect of which replies of the Government have not been accepted by the Committee.	Nil
V	Recommendations in respect of which final replies of Government are still awaited	Nil

