

E-WASTE (MANAGEMENT) RULES, 2016: SOME REFLECTIONS

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In the past few years the problem of electronic waste is the fastest growing waste streams in the world with rapid development of technological innovation in electrical and electronic products both in developed and developing countries. They brought enormous changes in economies, industries, institutions and lives of human in societies. But at the same time these have led manifold problems including the problem of massive amount of hazardous wastes such as e-waste in modern times. At the global level, about 64.5 million tonnes of e-waste are generated annually of which, only around 40 per cent is processed properly. As far as India is concerned it ranked third in the world in e-waste generation per annum because it generates about eight lakh tones of e-waste annually. The problem of unregulated accumulation of e-waste may pose great threat to human health and environmental sustainability. The international legal regime under the *Basel Convention* on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 1989 is the most comprehensive and pioneering global environmental treaty on hazardous and other wastes.

The national legal framework governing environmental issues focus on specific type of pollution and regulation of hazardous substances. To combat the ever growing e-waste problem, India needs to have strong rules and regulations. Over the years, the government has instituted a number of regulations for better management of hazardous waste in the country. Of late, only in 2006 in exercise of powers conferred under Sections 3, 6 and 25 of the *Environment (Protection) Act*, 1986 the MoEF has started to draft the *Waste Electronic and Electrical Equipment Rules* in 2006 as a corollary to the Hazardous Waste Management and Handling Rules, 1989. After that the *E-Waste (Management and Handling) Rule*, 2011 and it was again amended in 2015 and finally the *E-Waste (Management) Rules*, 2016 was passed by the government of India.

These rules are called the **E-Waste (Management) Rules, 2016** which are expected to come into force on the 1st day of October, 2016. This new rules have many new and effective provisions. They contain six Chapters and 24 Sections in total and four Schedules respectively. Wherein, Chapter 1 consists of 3 sections in which Section 1 talks about the short title and commencement of the rules. Section 2 talks about the application of the rules which says that these rules shall apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste. Section 3 is a definition clause where various terms like 'bulk consumer', 'Central Pollution Control Board', 'consumables', 'channelisation', 'dismantler', electrical and electronic equipment', 'e-waste', 'orphaned products', 'refurbisher' etc are defined. Section 4 describes the responsibilities of the manufacturer which is to collect e-waste generated during the manufacture of any electrical and electronic equipment and channelise it for recycling or disposal. Section 5 describes the responsibilities of the producer which says that the producer of electrical and electronic equipment shall be responsible for implementing the Extended Producers Responsibility. Section 6 talks about Responsibilities of collection centres-which are to collect e-waste on behalf of producer or dismantler or recycler or refurbisher including those arising from orphaned products. Section 7 talks about Responsibilities of dealers which is to collect the e waste by providing the consumer a box, bin or a demarcated area to deposit e waste, or through take back system and send the e-waste so collected to collection centre or dismantler or recycler as designated by producer. Section 8 describes the Responsibilities of the refurbisher which is to collect e-waste generated during the process of refurbishing and channelise the waste to authorised dismantler or recycler through its collection centre. Section 9 describes the Responsibilities of consumer or bulk consumer. Section 10 describes the Responsibilities of the dismantler which is to ensure that the facility and dismantling processes are in accordance with the standards or guidelines prescribed by Central Pollution Control Board from time to time. Section 11 describes the Responsibilities of the recycler. Section 12 describes the Responsibilities of State Government for environmentally sound management of E-waste which is to ensure 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.

Chapter III of the rules consists of the procedure for seeking and grant of authorisation for management of e-waste in section 13 and 14 respectively. Section 15 consists of Procedure for storage of e-waste which is sub- headed under Chapter IV. Section 16 under chapter V consists

of Reduction in the use of hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares. Section 17 talks about the Duties of authorities which are Subject to other provisions of these rules, and duties shall be performed as specified in Schedule IV. Section 18 consists of the Annual Report which is submitted and prepared by Central Pollution Control Board and respective State Pollution Control Board. Section 19 consists of Transportation of e-waste. Section 20 talks about Accident reporting. Section 21 consists of Liability of manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler for all damages caused to the environment or third party due to improper handling and management of the e-waste.

According to Section 22 any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the Central Pollution Control Board or State Pollution Control Board may, within a period of thirty days from the date on which the order is communicated to him, prefer a appeal in Form 7 to the Appellate Authority comprising of the Environment Secretary of the State. As per Section 23 the collection, storage, transportation, segregation, refurbishment, dismantling, recycling and disposal of e-waste shall be in accordance with the procedures prescribed in the guidelines published by the Central Pollution Control Board from time to time. Under section 24 Urban Local Bodies (Municipal Committee or Council or Corporation) shall ensure that e-waste pertaining to orphan products is collected and channelised to authorised dismantler or recycler.

Later part of these rules contains schedules wherein under Schedule I categories of electrical and electronic equipment are enlisted. Under schedule II applications which are exempted from the requirements of sub-rule (1) of rule 16 are entertained. Schedule III consists of targets for extended producer responsibility – authorisation. Schedule III contains the list of authorities and corresponding duties.

From the above analysis, it is very much clear that there has been significant progress in legislating rules related to e-waste problem very frequently in last one decade but still implementation of rule is big challenge before the law and policy makers. In conclusion you can say that mere enactment of law is not enough unless and until it is enforced in reality.
