

THE KERALA ELECTRONIC WASTE MANAGEMENT BILL

A bill to regulate the disposal of obsolete electronic machines and spare parts otherwise known as electronic waste or e-waste generated within State of Kerala.

BE it enacted in the Fifty Ninth year of the Republic of India.

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Electronic Waste Management Bill—

(2) It extends to the whole of the State of Kerala.

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

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

(a) “Electronic Waste (e-waste)” means and includes discarded electronic equipments, all old TVs, mobile phones, computers and their accessories, refrigerators, air-conditioners, washing machines, dish washers, electric bulbs etc. and all other new gadgets including their circuit board, integrated circuit board, complex circuitry, signal processor, and other parts of the electronic equipments which cannot be used again in normal circumstances.

(b) “Producer” means manufacturer of the electronic equipments or any part or parts of such electronic equipments.

(c) “Recycling” means the process of transforming segregated e-wastes into materials for producing new products which may or may not be similar to the original product.

3. *Effect of the Act on other Acts.*—The provisions of this Act are not in derogation of the provisions contained in the Kerala Panchayat Raj Act, Kerala Municipality Act relating to the powers of the concerned local authority regarding the management and disposal of waste, but are only supplemental.

4. *Management of the electronic waste.*—(1) Every producer of electronic equipment including its distributor or a consortium of brand owners, shall develop an approved system for the management of collection and recycling of discarded electronic equipments.

Explanation.—The duty of collection and recycling applies to all brand owners regardless of sales channels, and to all end users.

(2) It shall be the duty of the end-user of discarded electronic equipments to collect, handle and transport, e-waste to the producer’s approved system, in an environmental friendly manner.

(3) No e-waste shall be used for landfills and incineration.

5. *Reduction of usage of hazardous materials.*—(1) The Government by notification issued in this behalf may phase out the usage of hazardous chemicals like lead, mercury, polyvinyl chloride and brominated flame retardants in electronic equipments.

(2) The producers of present equipments containing hazardous chemicals like lead, mercury, polyvinyl chloride and brominated flame retardants in electronic equipment shall label their products to the said effect.

6. *Penalty for the contravention.*—(1) Contravention of any of the provisions of this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees.

(2) If the offence under this Act has been committed by a company, every person who at the time the offence was 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 deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

7. *Power of State Government to make rules.*—The State Government may make appropriate rules for the proper implementation of this enactment by issuing notifications in the Official Gazette.

Statement of objects and reasons

In this era of electronic equipments, the rate at which electronic waste shortly stated, e-waste, is very high. Old and useless electronic machines and parts become, e-waste. They have to be disposed of in a scientific manner to prevent pollution of environment. As such if there is no strict system for disposal of e-waste, it will cause environmental pollution and danger to life of the people. As such the Commission is of the view that an enactment is necessary to regulate the disposal of e-waste in a proper manner. The object and reason for recommending the bill is to have such an enactment.
