

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 512/2018

Shailesh Singh

Applicant(s)

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 12.02.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

Mr. Rajkumar, Advocate for CPCB  
Mr. Krishna Kumar Singh, Advocate for  
MoEF&CC

**ORDER**

1. The issue for consideration is management of e-waste consistent with the E-waste (Management) Rules, 2016.
2. Vide order dated 10.08.2018, the Tribunal considered the complaint against burning and selling of e-waste and unscientific disposal of e-waste in violation of the Rules causing contamination of ground water, air pollution and soil acidification. 40% of lead and 70% of heavy metals are said to be found in the landfill on account of unscientific disposal of e-waste.
3. The Tribunal referred to the study reported in news item dated 04.06.2018, published in "Gadget 360" and news item dated 02.11.2017, published in Hindustan Times under the heading of "What happens to e-waste: Your junked gadgets come back to you as toxic fumes". Reference was also made to the report available on the website of the Comptroller of Auditor General of India.

4. The Tribunal directed the Ministry of Environment, Forests and Climate Change (MoEF&CC), Uttar Pradesh Pollution Control Board (UPPCB) and the Central Pollution Control Board (CPCB) to prepare an action plan for enforcement of the Rules and also taking action against the violators of law.
5. A compliance report dated 14.12.2018 has been filed by the MoEF&CC. The report is to the effect that the India is fifth largest producer of e-waste. India produces two million tonnes of e-waste in 2016. The largest e-waste generating cities are Mumbai, Delhi, Bangalore, Chennai and Kolkata. 95% of e-waste is recycled by the informal sector and only 5% is recycled by the formal sector. Scrap dealers collect the e-waste and dispose of the same in unscientific manner such as burning, dissolving in acids and leaching. There is lack of awareness among the consumers. E-waste (Management and Handling) Rules were framed which came into force on 01.05.2012 requiring the producers of electrical and electronic equipment listed in Schedule-I of the rules to seek authorisation from the State Pollution Control Boards (SPCBs). The Rules required producers to obtain authorisation from SPCB/Pollution Control Committees (PCCs) for implementing their EPR for effective channelization of e-waste to registered dismantlers/recyclers. E-waste (Management) Rules, 2016 were notified on 23.03.2016 and came into force from 01.10.2016. The said rules apply to all producers, manufacturers, consumers or bulk consumers, dealers, refurbishers, and e-retailers involved in the manufacture, sale, purchase and processing of electrical and electronic equipment namely (i) IT and Telecommunication equipment and (ii) Consumer electrical and electronics such as TVs, washing machines, refrigerators, and air conditioners (as per Schedule I of the Rules). Extended producers liability require EPR plan for collection and meeting his

responsibility in which EPR authorisation is given. Status under e-waste (Management) Rules, 2016 is indicated as follows:

*“Status under E-waste (Management) Rules, 2016*

<i>Estimated Generation in 2016 (projected)</i>	<i>20 lakh tonnes (as per UN Study)</i>
<i>Authorized EPR Producers</i>	<i>880</i>
<i>Registered dismantler/ recycler</i>	<i>275</i>
<i>Dismantling/ recycling capacity</i>	<i>5,10,290 MT</i>

6. E-waste (Management) Amendment Rules, 2018 provide for channelizing e-waste towards authorised dismantlers and recyclers in order to formalize the e-waste sector. Collection targets was to increase in the consecutive years and reach 70% in 2023. A Monitoring Committee has been set up on 19.03.2018 headed by the Additional Secretary, MoEF&CC with ten more members. On 06.08.2018, a meeting was held to assess the initiatives taken by the producers. Further issues to be addressed are inventory of e-waste, Reduction of Hazardous Substances provisions (RoHS), training on E-waste (Management) Rules, 2016 and awareness on safe and sound disposal of e-waste. The strategy worked out includes development of web portal for monitoring EPR, development of national inventory of e-waste, review and analyse of implementation of e-waste (Management) Rules, 2016 and effective implementation of the E-waste (Management) Rules, 2016. Duties of CPCB and the SPCBs have been identified under 2016 Rules as follows:

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CPCB	SPCBs
<ul style="list-style-type: none"> <li>• <i>Co-ordination of activities of State Pollution Control Boards</i></li> <li>• <i>Conduct training courses for authorities dealing with management of hazardous and other wastes</i></li> <li>• <i>Recommend standards and specifications for treatment</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Inventorisation of hazardous and other wastes</i></li> <li>• <i>Grant and renewal of authorisation</i></li> <li>• <i>Monitoring of compliance of various provisions and conditions of permission</i></li> </ul>

<p>and disposal of wastes and leachates, recommend procedures for characterization of hazardous wastes</p> <ul style="list-style-type: none"> <li>• Inspection of facilities handling hazardous waste as and when necessary.</li> <li>• Sector specific documentation to identify waste for inclusion in these rules.</li> <li>• Prepare and update guidelines to prevent or minimise the generation and handling of hazardous and other wastes.</li> <li>• Prepare and update guidelines / Standard Operating Procedures (SoPs) for recycling, utilization, preprocessing, co-processing of hazardous and other wastes.</li> <li>• To prepare annual review report on management of hazardous waste.</li> <li>• Any other function assigned by the Ministry of Environment, Forest and Climate Change, from time to time.</li> </ul>	<p>including conditions of permission for issued by Ministry of Environment, Forest and Climate Change for exports and imports</p> <ul style="list-style-type: none"> <li>• Examining the applications for imports submitted by the importers and forwarding the same to Ministry of Environment, Forest and Climate Change</li> <li>• Implementation of programmes to prevent or reduce or minimise the generation of hazardous and other wastes. Action against violations of these rules. Any other function under these Rules assigned by Ministry of Environment, Forest and Climate Change from time to time.</li> </ul>
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7. The CPCB in a sanctioned plan has identified following challenges:

- a. Inventorization of e-waste generation;
- b. Identification of Producers who have not obtained EPR Authorisation;
- c. Verification of quantity of e-waste collected by producers;
- d. Verification of systems provided by producers for collection and channelisation of e-waste;
- e. Verification of facilities of dismantlers and recyclers for their infrastructure and records; and
- f. Checking of informal trading, dismantling, and recycling of e-waste.

8. The action plan proposed is as follows:

Sl. No.	Challenges/Activities	Stakeholder responsible for implementation	Action
a.	Inventorization of e-waste generation	SPCBs/PCCs	SPCBs /PCCs to complete this activity within one year.
b.	Identification of Producers who have not obtained, EPR Authorisation	CPCB, Custom department, Ministry of commerce and Ministry of electronics telecommunication	This is a continuous activity for which support of SPCBs/PCCs/Custom department/ Ministry of commerce, Ministry of electronics and

			telecommunication is required.
c.	Verification of quantity of e-waste collected by producers	CPCB/SPCBs/PCCs	This is a continuous activity. All the EPR Authorised Producers will be verified per year.
d.	Verification of systems provided by producers for collection and provided by producers channelisation of e-waste	CPCB/SPCBs/PCCs	This is a continuous activity. All the EPR Authorised Producers will be verified per year.
e.	Verification of facilities of dismantlers and recyclers for their infrastructure and records	SPCBs/PCCs/CP	This is a continuous activity. All the dismantlers/recyclers will be verified per year.
f.	Checking of informal trading, dismantling, and recycling of waste	SPCBs/PCCs/ District Administration	SPCBs/PCCs in coordination with District Administration has to carry out quarterly drive for checking of this activity.
g.	Facilitate collection and disposal of e- waste	SPCBs/PCCs/ District Administration/ CPCB	State Government to formulate mechanism for collection and for incentivising setting up of recycling facilities.
h.	Governance frame work for monitoring compliance	SPCBs/PCCs/ District Administration/ CPCB	Monitoring to be ensured at city/district and state levels for which nodal officers (state environmental secretary, district collector, CMD/Commissioners) to be designated. Time Frame — Three (3) months.
i.	Capacity building at district/State/CPCB level	SPCBs/PCCs/ District Administration /CPCB	Special workshops to educate functionaries in government / NGOs be run over one year.
j.	IEC plan be firmed up and executed	SPCBs/PCCs/ District Administration /CPCB	State Government to firm up IEC plan for educating public at large about the system of collection, incentive structure and facilities for recycling. Time Frame — Three (3) months. The IEC Plan to be executed over one year.
k.	Strengthen system of enforcement	SPCBs/PCCs/ District Administration/ CPCB	Quarterly review of violations and enforcement actions at city/district/state level and quarterly

			reports to be filed with CPCB.
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9. The above action plan especially under Item No. b to e refers to continuous activity. However, how the continuous activity will be performed has not been assessed, nor parameters of compliance indicated. Once the parameters and methodology are clearly spelt out, its actual working must be reviewed atleast once in three months and appropriate software may be developed for the purpose by the CPCB.

10. Let a further report be furnished in the matter after first review is conducted in above terms which may be on or before 30.04.2019 by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

11. The Monitoring Committee constituted by the MoEF&CC may also furnish its further progress report on or before 30.04.2019 in terms of complete action on quantification of e-waste by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

Copies of this order be sent by e-mail to the MoEF&CC and the CPCB.

List for further consideration on 23.05.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 12, 2019  
Original Application No. 512/2018  
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