


Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Electronic Waste Management

Semester: III

Program: B.Sc., LL.B. (Hons), IPR/Food, Health & Env. Law/ Medical & Forensic Law 2018

Time: 03 hrs.

Course Code: CLNL 3014

Max. Marks: 100

Instructions:

- 1) Mention Enrolment No at the appropriate place in the question paper.
- 2) No student will leave the room until one hour from the commencement of examination.
- 3) All sections are compulsory

S. No.	Question	Marks	CO
Q 1	Explain the concept of No Harm Principle.	2	CO1
Q 2	Discuss the concept of PRO.	2	CO1
Q 3	Explain about choosing safer technology and cleaner substitutes for control of E-waste.	2	CO1
Q 4	Discuss the aims and objectives of Basel Ban Amendment.	2	CO1
Q 5	Enumerate the role played by Central Pollution Control Board in controlling the problem of e-waste.	2	CO1

SECTION B

Q 6	Explain the aims and objectives of Basel Convention	5	CO2
Q 7	Discuss E-waste economy in the Unorganized Sector	5	CO2
Q 8	Explain the procedure for import of Hazardous and Other Waste.	5	CO2
Q 9	Discuss the main features of Solid Waste Management Rules (SWM), 2016.	5	CO2

SECTION-C

Q 10	Discuss the main features of E-Waste amendment Rules 2018.	10	CO3
Q 11	Discuss the E-Waste legislation in China.	10	CO3
SECTION-D			
Q 12	<p>Shriram Food and Fertilizers Industry (SFFI) was a subsidiary of Delhi Cloth Mills Ltd. in Delhi. SFFI had several units and was engaged in the manufacture of caustic soda, chlorine, hydrochloric acid, vanspati, sodium sulphate etc. The plant in question producing caustic and chlorine was commissioned in 1949. On 4 December 1985, a major leak age of oleum gas took place from one of the units of SFFI. This leakage affected a large number of persons amongst both the workers and the public. Moreover, an advocate practicing in the Tis-Hazari courts died because of inhalation of the Oleum gas. The leakage occurred due to the bursting of the tank containing oleum gas because of the collapse of the structure on which it was mounted. The DM, on 6 December 1985, ordered the closure of the industry under Section 133, Criminal Procedure Code (CrPC) and removal of the chemical gases to some safe place. A writ petition was filed before the Supreme Court under Article 32 of the Constitution on 7 December 1985.</p> <p style="text-align: center;">Discuss the ratio laid down in this case and explain a New Common Law Principle developed by Supreme Court of India in this case.</p>	25	CO4
Q 13	<p>This application was originally filed as PIL before the Hon'ble High Court of Madhya Pradesh Bench at Jabalpur as Writ Petition No. 14894/2013. Subsequently, as per the orders of the Hon'ble High Court dated 02.12.2013, issued pursuant to the order of the Hon'ble Supreme Court of India dated 9th August, 2012 passed in Bhopal Gas Peedith Mahila Udyog Sangathan and Others Vs. Union of India & Others (2012) 8 SCC 326, the case was transferred to the National Green Tribunal, Central Zonal Bench, Bhopal. On receipt, the same was registered as Original Application No. 143 of 2013 and vide order dated 19.12.2013, notices were ordered to be issued to the parties.</p> <p>Since the issue involved in this matter is of substantial importance not only to the State of Madhya Pradesh (in short 'MP') but also the other two States i.e. Rajasthan & Chhattisgarh falling within the jurisdiction of this Bench notices were ordered to be issued to the Chief Secretaries as well as the State Pollution Control Boards of the previously mentioned two States.</p> <p>In this petition, the Petitioner has raised the issue of ill effects of Electrical and Electronic waste (in short 'E-waste') in the State of MP. E-waste comprises of electrical appliances such as refrigerators, air conditioners, washing machines, microwave ovens, fluorescent light bulbs etc. and electronic products such as computers and their accessories, television sets, Mobile phones, stereo equipment etc. It is the contention of the Applicant that after the notification of the E-waste (Management & Handling) Rules, 2011 (in short 'Rules of 2011') under the Environment Protection Act, 1986 by the Ministry of Environment and Forests (in</p>		

short 'MoEF'), Government of India no concrete steps have been taken by the authorities concerned in the state of MP to implement the Rules of 2011 leading to Environmental Degradation.

The Applicant contended that though the MP State Pollution Control Board (in short 'MPPCB') has put forward a framework for management of E-waste in the State, it has not made any headway in implementing the rules. In letter and spirit. To begin with, the MPPCB has done inventarisation of E-waste in 8 major cities and towns in the State. The largest Producer of E-waste was found to be the city of Indore generating about 8000 Metric Tons of E-waste yearly, followed by Bhopal, Gwalior and Ujjain with 415,400 & 315 Metric Tons per annum respectively but unfortunately no follow up action was taken and only in the city of Indore the MPPCB in collaboration with Hostech Eco Management Pvt. Ltd., has opened Collection Centres for E-waste but nothing has been done in respect of other major cities such as Bhopal, Gwalior, Jabalpur etc.

It was further stated that out of 19 major companies only 3, namely M/s HCL Info System Ltd., M/s LG Electronics India Pvt. Ltd, and M/s Samsung India Pvt. Ltd have Responded to the directions issued by the Board. Only two applications, one at Indore and another at Gwalior, for establishment of Recycling unit and one application for establishing Dismantling unit at Bhopal have been received by the Board and these applications are under consideration. The Respondent No.7, Rajasthan State Pollution Control Board (in short 'RSPCB') in their affidavit dated 20.08.2014 stated that the Board has granted authorization to 9 E-waste Dismantlers in the State of Rajasthan out of which 7 Dismantlers are having valid registration and 2 have applied for renewal.

In compliance of the directions issued by this Tribunal the Chhattisgarh Environment Conservation Board (in short 'CECB') has filed their reply. it is the evident that none of the three States falling under the jurisdiction of this Bench have started implementing the Rules of 2011, with full force and neither required number of Collection Centres, Dismantlers and Recycling Centres have been authorized so far to take care of the huge quantity of E-waste that is being generated.

Discuss the ratio developed in the case Nagrik Upbhogta Margdarshak Manch v State of MP and ORS (Whose facts are stated above) and the ruling in original application number 183/2014 in the matter of Toxics Link v Union of India & ORS by the National Green Tribunal, Central Zonal Bench, Bhopal.