



THE E-WASTE (MANAGEMENT AND LANDLING) RULES, 2010 RELEASED

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A draft e-waste (Management and Handling) Rules, 2010 (“**E-Waste Rules**”) was released by the Ministry of Environment and Forests in exercise of the powers conferred in sections 6(2)(c) & (d), 8 and 25 of the Environment (Protection) Act, 1986. The E-Waste Rules defines “e-waste” as “waste electrical and electronic equipment, whole or in part included in, but not confined to equipment listed in schedule-I and scraps or rejects from their manufacturing process, which is intended to be discarded.” The E-Waste Rules shall apply to every producer(s), dealer(s), collection centre(s), refurbisher(s), dismantler(s), recycler(s), auctioneer(s), consumer(s), or bulk consumer(s) involved in the manufacture, sale, purchase, and processing of electrical and electronic equipment or components.

PSA view– The E-Waste Rules is a welcome step and has been awaited since long. However, it does not address the issue of unorganized sector involved in the business of electronic waste and the other ways of importing e-waste, i.e., second hand electrical appliances and metal scraps. Further, it is unclear as to what will happen to the existing provision under the Foreign Trade (Development and Regulation) Act, 1992 that provides for donation of computers to educational and charitable trusts. Meanwhile, the apex body representing the interest of the IT hardware industry, Manufacturer’s Association for Information Technology has welcomed this step.

Consultation paper on encouraging Telecom Equipment Manufacturing (“TEM”)

TRAI is contemplating to come up with a consultation paper on encouraging TEM with the primary focus of identifying the impediments for growth of Indian TEM and various measures to encourage it. The various issues that it contemplates to cover are – (i) Current Status of Indian TEM industry; (ii) Barriers for growth of TEM in India; (iii) Factors affecting the competitiveness of Indian manufacturer; (iv) Incentive schemes which can enhance design & development of telecom products; (v) Methods to boost research & development in telecom field to increase more IPRs from India; (vi) Type of initiatives required to develop indigenous Indian products; (vii) Models to support and encourage creation of large-scale Electronic Component Manufacturing Services industry in India; (viii) Need of common test & certification lab setup, framework and its scope; (ix) Need to regulate use of Indian products/equipments in telecom network; (x) Incentive criteria & schemes to encourage manufacturing of “Green Telecom Equipment;” and (xi) Methods for enhancing TEM capability for customized solution, among other issues.

PSA view

– In order to boost the domestic market, several steps have been taken for TEM sector (for details please refer –

<https://www.psalegal.com/pdf/TMT-Bulletin-Issue-VI04072010052059PM.pdf>). The Government of India recognizes that telecom and information is the key to rapid economic and social development of India and that it is critical not only for the development of the information technology industry, but also has widespread ramifications on the entire economy of the country. Keeping this in consideration, the telecom policies of India have so far targeted an enabling framework for development of telecom industry.

2G spectrum license: new versus old operators

TRAI's recent recommendation that the price of 2G wireless spectrum will be linked to 3G prices has resulted in debates and controversies. As per the recommendation, operators will be asked to pay a one time fee for 2G spectrum over 6.2 to 8 MHz at prices determined for 3G during the recently concluded auctions and a fee of 1.3 times that of 3G price for 8 to 10 MHz spectrum. The view taken by various established GSM operators is that the recommendation of TRAI is inherently discriminatory and could potentially harm the telecom sector, which is anyway struggling to cope up with an intensive tariff war. CDMA operators, along with the newer entrants, are happy with this recommendation and claim that it will put all competitors, whether new or old, on a level playing field.

PSA view – There is no doubt that by linking the fee of 2G spectrum with that of 3G spectrum price will be heavy on the pockets of existing operators, especially those who use 10 MHz band of spectrum in key circles. It is also feared that prospective investments in the telecom sector will also slow down, putting the industry in jeopardy. TRAI has confirmed to review the 2G plan and to conduct further research on the subject. We hope that both GSM and CDMA operators are consulted before finalizing the policy, as a decision either way, if not well thought out, will have a detrimental impact on the sector as a whole. It is important that regulations allow easy consolidation for operators and encourage technological development to facilitate an overall sector growth. The Department of Telecommunication has to consult TRAI before making any recommendation on law, and therefore, TRAI's role of protecting the interest of all players will be critical.

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