

## **CRITICAL STUDY OF E-WASTE MANAGEMENT IN INDIA**

### **-WITH SPECIAL REFERENCE TO UNORGANIZED E-WASTE WORKERS**

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*“Let every individual and institution now think and act as a responsible trustee of Earth, seeking choices in ecology, economics and ethics that will provide a sustainable future, eliminate pollution, poverty and violence, awaken the wonder of life and foster peaceful progress in the human adventure.”*

-John McConnell, founder of International Earth Day

The sayings of John McConnell is finding its relevance in the present time too as now we all need to stand together for the protection of Mother Earth irrespective of our religions and nationality. Almost in all the countries in the world the problem of waste management is raising their head and now it has become an issue of international concern.

E-waste is a crucial part of a solid waste stream. “E-Waste is a term used to cover items of all types of electrical and electronic equipment (EEE) and its parts that have been discarded by the owner as waste without the intention of re-use<sup>1</sup>.”

Definition of E-waste as given in E-waste Management and Handling Rules 2011 says “e-waste means waste electrical and electronic equipment whole or in part or rejects from their manufacturing and repair process, which are intended to be discarded<sup>2</sup>.” The stream of e-waste is increasing day by day as the new inventions in the technology are taking place. Due to upgraded technology the life span of electronic and electrical devices is shorten. Transboundary movements of e-waste from developed countries to the developing countries is one of the important sources of e-waste generation in a country like India. In spite of having Basel Convention on transboundary movement of hazardous waste, illegal movement of e-waste is a matter of concern for developing countries.

The problem of management of e-waste is different than that of other waste stream because e-waste is complex in nature. It is combination of hazardous as well as nonhazardous waste. It contains metals like lead, cadmium, beryllium, or brominated flame retardants as well as secondary scrap i.e. copper, steel, and plastic, etc. Thus it requires the separate disposal treatment than that of other waste stream. For the appropriate e-waste management, the procedure of segregation as well as disposal of it should be prescribed by taking into consideration the nature of e-waste. There cannot be straight jacket formula in application of disposal procedures used for e-waste management unlike other ordinary waste management.

In India the condition of e-waste management is unsatisfactory as there is no specific legislation providing for the norms of e-waste management. The E-Waste Management and Handling Rules 2011 are the only rules framed on the basis of section 6, 8 and 25 of Environment Protection Act 1986. These rules have stressed on the concept of ‘Extended Product Liability’. It highlights the responsibility of any producer of electronic and electrical equipment for their products beyond manufacturing until environmentally sound management of their end-of-life products. Even in these rule the duties of producer, collection centers, consumers, dismantler and recyclers are enlisted without any sanction in case of noncompliance. Herein it can be noticed that the whole responsibility is shouldered on the producer and the dismantler as well as recycler of the e-waste. Though the detailed procedure is given

related to registration of E-waste Collection Centers as well as other factors in the chain of e-waste management, the prompt efforts have not been seen to be taken on the part of Government for its implementation. E-waste workers form an important place in the system of e-waste management. But in the rules there is no express provision related to the health, safe working conditions of workers and environmental friendly e-waste management. Therefore e-waste workers cannot take resort of these rules for safeguarding their rights.

If the e-waste management is studied pragmatically in India, it can be observed that the e-waste is discarded in the general waste stream. There is no separate system is seen to be made at grass root level for the collection of e-waste. Very few collection centers and dismantlers as well as recyclers of e-waste are registered with Central pollution Control Board or State Pollution Control Board. The scrapers or e-waste workers living in slum areas are prominently dealing in the business of segregating e-waste.

Labour is classified into different segments as unorganized and organized, wage earners and self-employed, skilled, semi-skilled and unskilled and so on, depending upon the nature, period, and place of work.<sup>3</sup>

Strikingly, the labour laws of the country only covered workers of organized sector, who form only 8 % of the total labour force. Informal sector or unorganized sector in India is broadly characterized as consisting of units engaged in the production of goods and services with the primary objectives of generating employment and incomes to the persons concern.<sup>4</sup>

In India, almost 92% of the labour comes under unorganized sector.<sup>5</sup> As per Unorganized Workers' Social Security Act 2008, 'unorganized workers' are defined and include home based worker, self-employed worker or wage worker<sup>6</sup>. E-waste workers thus belongs to the category of unorganized workers. There are many socio-economic as well as health & safety issues relating to e-waste workers which need serious attention.

Due to poor economic condition of people in slum area, collecting scrap and segregating it in a bare manner is seen to be one of the important source of livelihood. Some contractors are too engaged in this business in India.

Herein these workers are not skilled workers but youngsters who out of financial need are involved in this work. Due to unskilled segregation of e-waste, there are more chances that the hazardous material in e-waste may not be handled in a careful manner. It has mainly two bad impacts. Firstly it may hamper the soil, air or water wherever it is allowed to be rested as it is without proper disposal of it. It may emit harmful rays deteriorating the environment around it. Secondly the health of e-waste worker handling such e-waste is at stake as no safety measures are being followed in such slum areas in India. In case of serious injury to the e-waste worker due to wrong method of handling e-waste, there is no remedy but to bear the substantial loss mutely. Workers and local residents are exposed to toxic chemicals through inhalation, dust ingestion, dermal exposure and oral intake. Human health risks from e-waste include breathing difficulties respiratory irritation, coughing, choking, pneumonitis, tremors, neuropsychiatric problems, convulsions, coma and even death.<sup>7</sup> The practices used in India often aggravate pollution by creating hazardous chemicals and additional pollution. For instance, open fires burn in relatively low temperatures in comparison with incinerators and the release of pollutants is significantly higher.<sup>8</sup> India has been identified as facing increasing health problems and environmental damage if e-waste recycling is left to the vagaries of the informal sector.<sup>9</sup>

It may not be wrong to say that it ultimately affects to some extent the economy of the Nation as in case these e-wastes are segregated, dismantled and recycled in a due manner, lot of material can be reused and moreover the authorized source of livelihood can be generated out of it.

The child labours exposed to the process of e-waste management can case them serious and sometime irreparable neurological damage and threaten the development of the child. As per Child Labour Protection Act child below 14 years shall not handle the hazardous material<sup>10</sup>. But here in case of e-waste workers as this section is unorganized one, all these provisions of child labour Act are defeated in a miserable way.

The provisions of Unorganized Workers' Social Security Act 2008 needs be appraised in this regard.

Though the Unorganized Workers Social Security Act was passed in 2008, there has been miserable progress on the ground. The Act itself has been criticized for not defining a minimum social security floor that is enforceable by law and for not providing institutional powers to ensure effective implementation<sup>11</sup>. The National Social Security Board for Unorganized Workers, constituted in August 2009, is limited to an advisory role, and does not have sufficient powers to implement, monitor or enforce social security<sup>12</sup>. The Act provides for welfare schemes formulated by government for unorganized workers on matters relating to life and disability cover; health and maternity benefits; old age protection; and any other benefit as may be determined by the Central Government.<sup>13</sup> For getting the benefit under the Act, the worker needs to register with the district administration and on registration an identity card bearing a unique number would be issue to him.<sup>14</sup> But the Act doesn't provide for the registration of an employer of an

Unorganized worker. It should be made the responsibility on their part in case of non- registration of Employees. There is no action against the workers who refuse to get registered any unorganized worker under any of the scheduled schemes under this Act. The act is applicable to unorganized workers who are falling below poverty line, But this provision finds discriminatory as access of social security is required to be given to all unorganized workers irrespective of their financial status.

Also, there is no provision for penalties in the Act to punish those employers who violate it. The special problem of migrant workers, especially inter-State migrants, among unorganized workers, the problem of security, has been totally ignored by the Act. Even the problem of women unorganized workers do not figure in the Act.<sup>15</sup> This Act does not even provide for the establishment of social security fund for the benefit of the workers. Finance can be considered as the core problem in the implementation of this Act. There is no any dispute settlement machinery recognized or established under this Act. The provision under Section 10(4) relating to contribution by workers is ridiculous and defeating the very purpose of this Act.

It is thus to be noted that, for the satisfying requirements of healthy working condition to e-waste workers one cannot rely neither on the legislation i.e. Unorganized Workers Social Security Act 2008 nor on the rules framed i.e. E-waste Management and Handling Rules 2011.

According to the commitments of the Government of India, right of workers to social security has been recognised as inalienable and, therefore, must accrue to every worker under any system of labour law or labour policy<sup>16</sup>. Constitution of India has guaranteed a fundamental right against exploitation as well as has abolished child labour by virtue of Article 23 & 24. Moreover directive principles of state policy contained in Article 42 and 43 show that the constitution-makers felt a

deep concern for the welfare of the workers. Article 43 requires the State to endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wages, conditions of work ensuring a decent standard of life and full employment of leisure and social and cultural opportunities.

Thus it is required that by taking into consideration Article 43 of the Indian Constitution Central Government or State Government should amend the existing laws and rule in such a way that they can provide a complete package of rights necessary to curb the problems of e-waste workers.

### (Endnotes)

- 1 1Solving the E-Waste Problem (Step) White Paper One Global Definition of E-waste bearing ISSN: 2071-3576 (Online)[http://www.stepinitiative.org/files/step/\\_documents/StEP\\_WP\\_One%20Global%20Definition%20of%20E-waste\\_20140603\\_amended.pdf](http://www.stepinitiative.org/files/step/_documents/StEP_WP_One%20Global%20Definition%20of%20E-waste_20140603_amended.pdf) retrieved on 10/12/2015
- 2 Section 2 (k) of E-waste Management and Handling Rules 2011
- 3 Balwinder Singh, Worker's Life, work and decency: needed regulatory measures in India, Paper to be Presented at Conference on Regulating for Decent Work: Innovative Regulation as a Response to Globalization Organized by ILO from 8-10 July, 2009 at Geneva, Switzerland.
- 4 Informal Sector in India: Approaches for Social Security, <http://labour.nic.in/ss/INFORMALSECTORININDIAApproachesforSocialSecurity.pdf>
- 5 <http://kayadepundit.com/article/Unorganised%20Sector%20by%20Purushottam%20Anand.pdf> retrieved on 11/12/2015
- 6 Section2(m)
- 7 Report on Theglobalimpactofe-wasteAddressingthechallenge issued by International Labour Organization Geneva 2012
- 8 ibid
- 9 Ibid
- 10 Section 3 of Child Labour Protection Act 1986
- 11 Rathish Balakrishnan, Review of Social Security for Unorganized Workers in India <http://www.thealternative.in/society/review-of-social-security-for-unorganized-workers-in-india/> retrieved on 10/12/2015
- 12 Ibid
- 13 Section 3
- 14 Section 10
- 15 <http://kayadepundit.com/article/Unorganised%20Sector%20by%20Purushottam%20Anand.pdf> retrieved on 10.12.2015
- 16 <http://www.thealternative.in/society/review-of-social-security-for-unorganized-workers-in-india/> retrieved on 10.12.2015