



E-waste and involvement of children in Seelampur, Delhi and Muradabad, Uttar Pradesh

**A Fact-finding Report
(2020-21)**

**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
NEW DELHI**

Article 39 (f) of the Constitution of India

“That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

Introduction

The best place for children is in school and playgrounds but many children are deprived of these experiences due to multiple reasons. One such reason is involvement of children in labour that deprives them from enjoying their childhood and also causes obstacle in their growth and development. According to Census of India, 2011, there are 10.1 million working children between the age of 5-14 years either as main worker or as marginal worker. In addition, more than 42.7 million children in India are out of school even though Child Labour (Prohibition and Regulation) Act, 1986 and subsequent Amendments prohibit the engagement of children in all occupations and prohibit the engagement of adolescents in hazardous condition. According to the ASSOCHAM study released in 2014, in India, around 4.5 lakhs children between the age group of 10-14 years are observed to be engaged in various e-waste (electronic waste) activities, without adequate protection and safeguards in various yards and recycling workshops. Engaging children in these activities is not only a cognizable offence but also violation of their rights causing such damage that cannot be completely compensated.

Among the sectors where children are engaged as labour, electronic waste (e-waste) management is a rather overt sector that requires major reform. The Electronic Waste Management (EWM), Rules 2015 defines 'e-waste' as *electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes*. The e-waste includes anything from discarded household appliances, telecommunication equipment to toys, medical devices, batteries, electronic vehicles, discarded materials, circuit boards, discarded phones to computers. E-Waste recycling is one of the professions which includes hazardous process and can bring life into danger if not handled properly. These electronic items get recycled by dismantling motherboards, obtaining metals like copper and iron rods from discarded air-conditioners, melting electronics from acids, segregation etc. These all processes become dangerous practices if there is no precautionary measures taken. These e-waste contains heavy metals and many components can be re-used by grey market even after its disposal. In Delhi-NCR, children are found involved in the informal sector of e-waste recycling processes. They are involved in collecting to dismantling of the e-waste without any standard operation systems. This exposes children to toxic gases and elements categorising this as violence against children and impact their health, growth and development.

The Electronic Waste Management (EWM), Rules 2015 makes everyone involved in producing to disposing including producer, manufacturer, consumer, retailer, recyclers, companies and authorized agencies accountable to dealing in junk and disposal of e-waste, still there is need to strict implementation of these laws on ground.

Legal provisions against Child Labour Act and Rules-India & International

India's Child Labour (Prohibition and Regulation) Act 1986 and its amendment in 2016 is aimed to *prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto*. Other Acts and Laws like 'The Factory Act of 1948', 'The Mines Act of 1952', 'The Juvenile Justice (Care and Protection) of Children Act of 2015', 'The Indian Penal Code 1860,' 'The Bonded Labour Systems (Abolition) Act, 1976' and 'Right of Children to Free and Compulsory Education, 2009' clearly prohibit child labour which shows India's stand for elimination of child labour in India. On other front, India also has National Child Labour Project Scheme, 1988 to rehabilitate working children in child labour endemic districts of the country. Also, Rule 2B(2) of CLPR Rules, 2016 states that where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer referred in Rule 17C for information.

At International level, various fundamental conventions ratified by India to protect children from child labour and involvement in hazardous processes. ILO's conventions- Minimum Age Convention, 1973 and Worst Forms of Child Labour Convention, 1999 clearly defines age of children for light work and eliminate worst forms of child labour which India has also ratified. India also ratified UNCRC to protect child rights. However, according to United Nations Report, 2019, only 20 percent of the e-waste generated worldwide is recycled. Three million tonnes of e-waste is being generated annually in India, which is third after China and America. While companies established in European and American countries manage e-waste themselves, on the other hand, in India, this is being done by ragpickers, who engage the children in this harmful chemical process.

To protect children from harmful activities, the concerned authority need to take up evidence based exercises especially where children, their employer, parents or guardian are involved in these activities. The employer and other involved groups don't want to expose their role in continuing this danger form of child labour in their workspace. Based on different reports on children's involvement in E-waste recycling in Delhi and NCR, this exercise was initiated to have a facts- checked with evidence.

Role of NCPCR

National Commission for Protection of Child Rights (NCPCR), the statutory body under Government of India, has been taking several initiatives like redressing grievances, conduct inquires, recommending guidelines/protocols, conduct study, create awareness, sensitization etc. to safeguard the protection of child rights provided under Commissions for Protection of Child Rights Act, 2005. To investigate on specific issue is

one of the core activities being adopted by the Commission to enquire into specific cases. Fact finding is undertaken as per the functions and powers provided under Section 13 (1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005. The Commission is committed to approach last child to eradicate the cases of violation of the provision of the said Act. It is facing this situation of vulnerability of a safe socio safety net through various interventions including complaint redressal, policy intervention, regulatory intervention, programme activity, special investigation, recommendation and conducting study and minimizing it. The Commission observed that a section of children engaged as child labour in harmful sector like e-waste so that they can meet the earning of their family. These children would have been facing various developmental issues as well as violation of their rights. Various media reports including national and international have been published showing infuriating visuals of the engaged in e-waste sector. It is pertinent to mention that children are considered as national citizen in the Indian Constitution and in view of their special status, states have also made special laws.

Rationale

National Commission for Protection of Child Rights has been mandated for monitoring of such three Acts enacted for children e.g. Right to Education Act, 2009; Protection of Children from Sexual Offences Act, 2009; and Juvenile Justice (Care and Protection of Children) Act, 2015. The provisions made under said three Acts are also applied to the children, who are engaged in child labour, especially for their protection, rehabilitation, if sexually abused, for their re-engagement in school and providing them with shelter. Therefore, the Commission initiated a fact finding exercise on situation of children in the regions of Delhi and Uttar Pradesh. The objective of this fact finding exercise is to highlight the status of children engaged in e-waste dismantling sector. Accordingly, a survey was conducted in such areas on 09.11.2020 and 14.11.2020 in the Seelampur and Mustafabad in Delhi and Moradabad in Uttar Pradesh respectively.

Methodology

A video based survey was conducted in Seelampur (Old), Delhi and Moradabad, Uttar Pradesh where there are huge hubs of un-organised e-waste recycling in narrow and congested space. A video interview was conducted with children engaged in this activity.

At first, the locations were marked by randomly asking some materials for re-cycling. People involved are often reluctant to share their role or don't allow children to come-up thus, caution was observed while interviewing. Children were earlier hesitant to answer but later building a good rapport helped the surveyor to talk to them freely. Parents of these children generally accept sending their kids for these activities and are not fully aware of its legal, social and health consequences.

Findings

First, a scrap market in Mustafabad, Delhi was visited. This scrap market of Mustafabad, Delhi, is the dumping yard for old laptops such as HP, Dell, Samsung, Lenovo; for old mobile phones such as Oppo, Vivo, Samsung, Redmi and other brands. It was observed that many scrap shops near Mosque located at Gali No.6 of Mustafabad where e-waste was collected and dismantled. In fact, e-waste dismantling is being done in this entire area in a large scale. When the surveyor reached the spot, Suleman¹, a child aged 15 years, was detaching wires from TV's picture tube. The wires were being detached by heating up, which is a highly smoky process. During interaction, it came out that the child detaches these wires from TV's Tube daily for 12 hours. He segregates copper, iron, platinum, gold and other materials from e-waste (Tubes, Laptops and Mobiles). Another child Mohammad Shahid², aged 8-9 years, was also seen in a shop in a nearby street, segregating lithium from batteries. These children have to wash motherboards with acid so that platinum and other metals could be segregated. Also, it is burnt so that the hidden metal can be collected for selling.

The children were seen engaged in segregating lithium from the batteries of these laptops. Thereafter, the lithium is sold to companies that make power banks. Children like Suleman are being engaged in lithium removing work to get benefit of low labour cost, who gets merely Rs. 200 (less than three US\$) daily. Surprisingly, the locals and children informed that many such children are engaged in the e-waste dismantling in the entire area.

The second stop was Moradabad, Uttar Pradesh that witnesses the e-waste from almost entire North India. This whole business is operated in Asalatpura Mohalla in Moradabad. Most outdated mobile phone and laptops of Delhi-NCR are transported here and mother board, batteries and screens of these mobiles are dismantled. The batteries, motherboard and other parts of the laptops are also dismantled here. Here children of aged 12 to 14 years were engaged in the mobile dismantling and earn around eight to ten thousand per month for work here. These children also dismantle mobile phones. These children are pushed into such work at the cost of their health. People of this area don't allow outsiders to come into the area as they are aware of the laws related to children and it is an offence to engage children in hazardous occupations like e-waste dismantling.

Companies are given target for dismantling but these targets are not met by the Company. Companies have been asked to establish their E-Waste collection Centres from where the e-waste is to go to the registered Recyclers, however, this provision is not been implemented.

According to Shri Chandrabhushan, (Environmentalist) - all the TV manufacturing companies should dismantle their used products which is a reality in other countries but in India Television Companies don't comply with this norm. As per the law of the

¹ Real name not disclosed.

² Real name not disclosed.

land which is E-Waste Management Rules 2016; all the brands -domestic or international are covered for compliance. However, the rules are not strictly implemented. Companies who are producing millions of electronics gazettes are to give their e-waste to the registered Recyclers but it is not happening. In addition, Companies that are producing electronic items or generating e-waste have to dismantle 16 % of their sales by themselves. These companies are not complying with the provisions and are passing the responsibility to the scrap dealers. As a result scrap dealers engage children from poor families in the process that leads to their exploitation. It is ironical that 90 to 95 per cent of e-waste management is in unorganized sector in India whereas these companies do it 100 per cent in other countries.

Shri Priyank Kanoongo, Chairperson, NCPCR : Processes that involve child labour ; those products should be rejected . Whereas e-waste and child labour are concerned , the companies responsible are doing very well in organized sector. For any process the business is depending on unorganized sector , there is a greater possibility of involvement of child labour and exploitation of children.

As per a UN report published in 2019 only 20 per cent of the E-waste is properly recycled in an average but it is limited to about 5 to 7 per cent in India. For these companies in other countries disposal is their responsibility, however, when they work in India the responsibility of dismantling is left with unorganized sector. Thus they adopt a dual standard when they work in India. In this way they play with the health and lives of children .

To keep children away from the e-waste related work what is needed is- the companies should establish their own dismantling plants as they do in other countries.

As per Dr. Bina Basnet and Dr. Ajay Kumar, medical practitioners, working in this area Lead, Cadmium, Barolium, Mercury, Bromine, Poly Vinyl and Chloride etc. are found in mobile phones, laptops, printers, pen drives and televisions etc. that can cause diseases like pulmonary, liver, neurological, skin, gastro disorders, cancer and brain development disorder. According to them, children of these areas often suffer from respiratory and skin disease. The brain growth of these children is also affected due to mercury.

Taking *suo motu* cognizance of these cases, NCPCR has written to the concerned Sub Divisional Magistrate, Deputy Labour Commissioner, Child Welfare Committee, and ChildLine to immediately rescue the children and take appropriate action as per the Juvenile Justice Act 2015 & The Child and Adolescent Labor (Prohibition and Regulation) Act, 1986, Bonded Labour Abolition Act 1976, Sec-16, 17, Immoral Traffic Prevention Act 1986.

Recommendations

1. Penal action against those who are engaging children in such hazardous activities as labour should be taken under relevant provisions of J. J. Act, 2015 and CLPRA Act, 1986 and subsequent amendments.
2. A third-party monitoring mechanism for assessing the implementation of EWM Rules, 2015 should be established for end-to-end monitoring of the entire process beginning from e-waste generation to its disposal. This will also enable the law enforcement authorities to fix accountability of the manufacturers.
3. For any violation of the EWM Rules, 2015, action should be initiated by the regulatory authority as per provisions under the said Rules.
4. As per Rule 12 (2) of the EWM Rules, 2015, the Department of Labour in the State or any other Government agency authorised in this regard by the State Government shall ensure recognition and registration of workers involved in dismantling and recycling. Since, Department of Labour is responsible for implementation of CLPRA Act, 1986 hence, it should ensure that these workers do not include children as per CLPRA Act, 1986 and subsequent Amendments.
5. Section 3A inserted through CLPR Amendment Act, 2016, states that *no adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule*. For the purposes of this Schedule, "hazardous process" has the meaning assigned to it in clause (cb) of the Factories Act, 1948 which states that hazardous process *means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would cause material impairment to the health of the persons engaged in or connected therewith*.

The above definition of hazardous process also includes activities related to e-waste which is defined as *electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes* under the EWM Rules, 2015.

6. A joint meeting of all the concerned stakeholder Ministries/Departments including Ministry of Environment, Ministry of Labour, Ministry of Health & Family Welfare, Ministry of Education should be called for devising detailed plan for eradicating child labour in this sector.
7. Mandating authorisation (in compliance to E-Waste Management Rule, 2015) to the places for e-waste re-cycling: Licencing to the places for re-cycling of e-waste will discourage home based re-cycling. When formal sector prohibit child labour the labour job of the particular reach at home and children are forced to work at their home. The home based recycling work of hazardous component

must be discouraged as there is no safe disposal of toxic components and every member of the family gets involved to complete the task to earn in the family. The monitoring of these places must be done on periodic basis with transparent coordination with state and center administration. Absence of licence must be taken as illegal activity and action must be taken accordingly.

8. Sensitization of children, parents, scrap dealers and local administration: These toxic waste involves many hazardous components which affect health. The parents, scrap dealers and administration including police must be sensitized about these hazardous risks. They should also be informed about implication of involving children in these tasks and what the punishments under the laws are. Though, in this video, the marked points are near to religious places, thus platforms of religious places can be used to appeal not to involve children in hazardous occupation. Different videos can be created and sponsored to share on different online and off-line platforms to make public learn about how children are getting affected through senseless and irresponsible disposal of their electronics.
9. Participation of local people: The marking of the places where children are involved in e-waste recycling needs to be done. The participation of local people should be encouraged to identify these places. They should be given different easy access platforms to report these places without any risks to their life. Once reported, local administration should take action on it. This activity can be incentivised by the local administration.
