The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

THE LEGAL ASPECTS OF E-WASTE MANAGEMENT IN INDIA AND ITS LIMITATIONS

~Divyansh Giri

INTRODUCTION

Society at large has benefitted from the technological advancements made in the past few decades. With technology permeating most, if not, all parts of society, the quality of lifestyle as well as the standards of living have increased. However, all good things come with a cost. With the increased use of technological gadgets and devices, there has been a surge in e-waste that has been generated as well. In 2022 alone, a staggering 1.6 million metric tons of e-waste was generated in India.[1] Nevertheless, 527,000 metric tons of it was sorted in the same year.[2] The statistics underline the significance and call for a circular waste economy where the annual generation of e-waste is reduced. Additionally, the secondhand electronics market in India also plays a vital role in mitigating the number of e-waste generated. In this blog, the issue of managing e-waste will be seen through the lens of the law.

LEGAL FRAMEWORK FOR E-WASTE MANAGEMENT IN INDIA

The introduction of India's New E-Waste Management Rules of 2022 marked the introduction of new regulations designed to provide order out of chaos. These regulations, which took effect on April 1, 2023, superseded the previous regulations from 2016 and represent a major advancement in the nation's efforts to control and streamline the e-waste ecosystem.[3] The scope of these rules is

---

[1] Shangliao Sun, *India: volume of e-waste generated 2022 | Statista*, STATISTA(July 2023) https://www.statista.com/statistics/1424071/india-volume-of-e-waste-generated/#:~:text=In%20the%20financial%20year%202022,metric%20tons%20of%20e-waste.

[2] Ibid

[3] *India's New E-Waste Management Rules of 2022: An Overview of Key Changes*, KING STUBB & KASIVA, https://ksandk.com/regulatory/indias-new-e-waste-management-rules-of-2022/#:~:text=India's%20New%20E-

to limit their application to manufacturers, producers, refurbishers, dismantlers, and recyclers who are actively involved in the life cycle of Electrical and Electronic Equipment (EEE) listed in Schedule I, where these regulations have significantly expanded the list of organizations subject to regulation. Currently, this list contains more than 100 different categories of products, such as tablets, GPS units, modems, electronic storage devices, and even solar photovoltaic modules.

Producer Responsibility Extended mentions the whole life cycle of the products of manufacturers and producers as the responsibility that extends beyond simple production for producers and manufacturers. The new regulations require that e-waste produced during the production of EEE be collected and that it be properly disposed of or recycled. The responsibilities of producers increase when they are tasked with raising awareness through other media platforms in addition to their main manufacturing responsibilities. In addition, they have to put EPR targets into practice, a duty that has a quantitative expression in Schedule III or IV.

Additionally, the Directive Principles of State Policy state that the Union and state governments should keep the DPSP in mind while drafting legislation and any policy. Notwithstanding the fact that Indian courts cannot enforce these principles, they remain vital to the government's functioning. For instance, article 47 states that "among its primary duties shall be the raising of the level of nutrition and standard of living of its people and the improvement of public health." Article 47 states unequivocally that the state's main responsibility is to promote public health.[4]

In contrast to earlier regulations, the new E-Waste Management Rules add environmental compensation to the list of fines specified in the 1986 Environment (Protection) Act. As a stronger deterrence against non-compliance, the scope of compensation has now been extended to cover aid and abetment of any infraction.

LIMITATIONS AND CHALLENGES

Waste%20Management%20Rules%20of%202022[1],waste%20ecosystem%20in%20the%20country.(last visited June 10, 2024).

[4] Indian Const. art 47

There are challenges and hurdles the country faces with managing the e-waste that is generated annually. Albeit, one could see an increase in it being sorted with the Government trying its earnest efforts to reduce the generation of e-waste, still there are problems that need to faced.

First off, there is an inadequate infrastructure for e-waste recycling. India lacks the infrastructure necessary to manage e-waste on a massive scale. Around 1/5th of the nation's annual e-waste generation is accounted for by the extremely small number of government-approved recycling facilities.[5]

Secondly, the absence of knowledge and monetary rewards. In India, there is relatively little recycling since the general populace is unaware of the dangers associated with e-waste. The majority of customers are either unaware of the dangers associated with certain components of e-waste or are less aware of the consequences of improper disposal.

Moreover, insufficient data on the rates of e-waste generation. There are insufficient e-waste inventories, and the State Pollution Control Boards (SPCBs) in each state are solely responsible for maintaining state-specific e-waste inventories. One crucial source of information for estimating the amount of e-waste is sales data on electronic products. It is frequently aggregatable at the national level, which makes state-level inventory production difficult.

Furthermore, the incompetence in the end-of-life product market where private companies' ability to establish e-waste management systems in the formal sector is limited by their failure to consistently procure large enough amounts of e-waste to achieve economies of scale. In the absence of clarity regarding sourcing sufficient quantities of e-waste, for example, private firms cannot justify the considerable upfront capital expenditures required to implement effective recycling technologies for e-waste treatment in India.

CONCLUSION

It can be safely said that while the consumption of technology and electronic devices cannot be reduced, we must address the issues that we continue to face today. For instance, by ensuring that there is no halt to the operations of the secondhand electronics market as it is a vital market for

[5] *E-Waste Management in India: Challenges and Strategies*, HIND RISE(2024), https://hindrise.org/resources/e-waste-management-in-india/#:~:text=Poor%20Infrastructure%20for%20the%20Recycling,e-waste%20generated%20each%20year.

repairing and reusing the electronics that get damaged. This also extends the lifespan of the product. The environment is negatively impacted by the import of e-waste from other nations. The general public's lack of understanding about e-waste makes it difficult to implement policies.

The government needs to help control this critical issue, perhaps by giving the electronic industry tax breaks or other concessions. Furthermore, to guarantee e-waste collection compliance throughout India, the targets for collecting e-waste must be periodically evaluated and updated.