

**PERMANENT MISSION OF INDIA TO THE UN, GENEVA**

**HUMAN RIGHTS COUNCIL**

**15<sup>TH</sup> SESSION (13 September - 01 October 2010)**

**Report of Special Rapporteur on Adverse Effects of Movement and  
Dumping of Toxic and Dangerous Products and Wastes on Enjoyment of  
Human Rights - Mission to India**

**(15 September 2010)**

**Statement by India**

Mr. President,

We thank the Special Rapporteur, Mr Okechukwu Ibeanu, for his visit to India during from 11 to 21 January 2010. During his visit to India, the Special Rapporteur chose to examine the human rights impacts of two hazardous industrial activities, namely ship-breaking and the recycling of electrical and electronic waste or e-waste, and these constitute the twin focii of his report.

2. With regard to the legal and institutional framework, the Special Rapporteur has noted that India is a Party to several multilateral environmental agreements regulating the sound management and disposal of toxic and dangerous products and wastes, including the Basel Convention and the International Convention for the Prevention of Pollution from Ships (1973), as modified by the 1978 Protocol relating thereto. Further, apart from

CHECK AGAINST DELIVERY

the numerous domestic legislative and regulatory acts for environmental protection, the Supreme Court of India has, as noted by the Special Rapporteur, contributed significantly to broaden the content of some of the fundamental rights enshrined in the Indian Constitution.

3. The Special Rapporteur has expressed a general concern on the legal and institutional framework that India is not a Party to several ILO Conventions, especially Conventions 155 and 170 relating to occupational safety and health, and safety in the use of chemicals at work. We would like to mention that India has already ratified a number of relevant ILO Conventions and is giving serious consideration to the possibility of ratifying more Conventions, including No. 155 (*on Occupational Safety and Health*) and No. 170 (*on Chemicals*), as recommended by the Special Rapporteur.

Mr. President,

4. On the issue of ship-breaking, the Special Rapporteur has highlighted the Government's environmental guidelines and regulations on safety and welfare of workers. He has also noted the Supreme Court judgment of September 2007 in which the Court identified procedures to be followed for anchoring, beaching and dismantling end-of-life ships. Separately, the Special Rapporteur has commended the authorities at Alang, the world's largest ship-breaking site, for progress in improvement of health and safety conditions, health and quality of lives of workers and their families, and sound management of hazardous substances and safe disposal of toxic wastes.

CHECK AGAINST DELIVERY

5. At the same time, the Special Rapporteur has highlighted the need for better implementation of national legislations on health and safety at workplace, environmental protection and labour standards, better compliance with the Supreme Court order of September 2007, and stepped up efforts to improve conditions at ship-breaking yards. We would like to assure the Special Rapporteur that we have taken due note of his concerns. We remain conscious of the fact that, notwithstanding the progress made regarding safety, health and environmental aspects at ship-breaking sites, much more remains to be done and we remain committed to doing so.

Mr. President,

6. On the issue of e-waste, India generates, at present, only about 0.7-1.6% of the total e-waste that is generated worldwide every year. Currently, 17 e-waste recycling facilities exist in the country with a total capacity of about 66,000 metric tons per annum. Considering the growth of e-waste, the Government is encouraging the establishment of more such facilities through a Public-Private Partnership model. The Special Rapporteur has welcomed the steps taken by Indian authorities and congratulated the Ministry of Environment and Forests for elaborating the first legally binding instrument devoted to environmentally sound management and disposal of e-waste.

7. The Special Rapporteur has recommended that the Government expedite, as a matter of priority, the adoption of a national legislation on e-waste; develop a national implementation plan to ensure sound management and disposal of e-waste; and improve health and safety working conditions in small-scale informal workshops.

8. To this end, we would like to inform that e-waste management in India is currently regulated under the *Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008*. To address the issue of environmentally sound management of e-waste, the Government has already published a draft notification entitled *E- Waste (Management and Handling) Rules 2010* which is currently being circulated to obtain comments from all stakeholders and expected to be enacted as law thereafter.

9. Lastly, as stated earlier, notwithstanding existing legislative and other measures pertaining to occupational safety and health practices at work, the Government remains committed to enhancing the occupational safety and health environment, including through possible ratification of additional ILO Conventions.

Thank you, Mr. President.

\*\*\*