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WASTE PICKER WELFARE LAW IN KARNATAKA

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	3
EXECUTIVE SUMMARY	5
I. INTRODUCTION	6
A. Methodology	10
II. INDIA’S SOLID WASTE MANAGEMENT FRAMEWORK.....	11
A. Legislative Framework.....	11
i. <i>Environment Protection Act, 1986</i>	12
ii. <i>Solid Waste Management Rules, 2016</i>	12
B. Judicial Guidance	14
i. <i>Municipal Council - Ratlam vs Vardhichand</i>	14
ii. <i>Rampal v State of Rajasthan</i>	14
iii. <i>B.L Wadehra v Union of India</i>	15
III. INDIA’S WASTE PICKERS	16
A. A Portrait	16
B. The Price of Non-Recognition	19
i. <i>Violence</i>	21
ii. <i>Migrant Discrimination</i>	21
iii. <i>Exclusion from Governmental Health Schemes</i>	22
iv. <i>Contractor led Privatization Threat</i>	23
C. Executive Guidelines on India’s Waste Pickers.....	24
i. <i>Committee Reports</i>	24
ii. <i>Rules</i>	27
D. Recommendations	29
i. <i>Organization</i>	29
ii. <i>Recognition</i>	32
IV. KARNATAKA AND ITS WASTE PICKERS	33
A. Karnataka’s Municipal Governance Framework	33
B. Karnataka’s Solid Waste Management Framework.....	33
i. <i>Urban Local Bodies such as Panchayats and Municipalities</i>	33
ii. <i>Karnataka Municipal Corporation Act, 1976</i>	34
iii. <i>Policy on Integrated Solid Waste Management, 2014</i>	34

C.	Judicial Guidance in Karnataka.....	35
D.	Karnataka’s Inclusiveness	36
i.	<i>Role of Hasiru Dala – Bengaluru’s Waste Picker Trust</i>	36
E.	Waste Picker Focus Group consultation	39
V.	RECOMMENDATIONS AND CONCLUSION	41
A.	WEIGO’s Draft Waste Picker Welfare Law	41
B.	Model Waste Picker Welfare Law – A Few Recommendations.....	43
i.	<i>Effective Recognition Clauses:</i>	44
ii.	<i>Social Welfare Inclusion Clauses:</i>	45
iii.	<i>Financial Inclusion Clauses:</i>	45
iv.	<i>Municipal Inclusion Clauses:</i>	46

EXECUTIVE SUMMARY

The main aim of this report is to highlight the need for the promulgation of a Waste Picker Welfare Law in Karnataka that acknowledges waste picking as a genuine profession and grants to waste pickers the rights due to all persons engaged in a recognized profession in India.

It is estimated that waste pickers in this country recycle over 20% of the one fifty million tons of waste that is produced in India per day. By carrying on the work of ensuring that recyclable material does not end up in India's already over-flowing landfills, waste pickers benefit the country in a myriad ways. For instance, they reduce the burden on the natural resources of the country by enabling the recycling and reuse of material such as paper, metals, PET bottles etc., they add to the aesthetic value of the country by ensuring that waste is rendered invisible. And they protect the environment by ensuring that only non-recyclable, non-biodegradable material enters our landfills. Clearly, waste pickers are a group of individuals who are independent, resourceful and deserving of both our recognition and respect.

However, until the promulgation of the 2016 Solid Waste Management Rules, there was no direct acknowledgement of their immense contributions to India's solid waste management efforts and even today there is no single law that concretely recognizes their profession nor provides for their unique requirements. This non recognition of one of India's most efficient working assets and the stigma attached to waste picking as a profession has rendered them prey to much discrimination, violence and harassment as will be highlighted in this report. Therefore, in this Report, after highlighting the plight of waste pickers in India, we have undertaken a study of the state of Karnataka which has been in the forefront of the recognition and integration of waste pickers into its solid waste management strategy. Parallely, the Report also addresses the need for the final step in the emancipation and empowerment of waste pickers, which is the creation of a Waste Picker Welfare Law.

I. INTRODUCTION

In the last few years, India's solid waste management crisis has reached unprecedented levels.¹ India's rapidly increasing urban population, with the last decade alone seeing an increase of ninety million people in its population², is making the scientific disposal of waste imperative. Additionally, India's ever growing middle class continues to generate tremendous amounts of waste as higher disposable incomes lead to higher consumption of goods.³ Coupled with an upward trend in industrialization⁴, urban migration,⁵ spending⁶ and an increasing propensity for capitalist consumption, the amount of waste generated in India will continue to increase rapidly.

¹ Poulomi Banerjee, 'Gone to waste: How India is drowning in garbage', (Hindustan Times, 9th February 2016) <<http://www.hindustantimes.com/india/india-s-cities-are-faced-with-a-severe-waste-management-crisis/story-vk1Qs9PJT811bPLCJKsOTP.html>>, Last accessed: 16 January 2018.

² 'Urbanization beyond Municipal Boundaries - Nurturing Metropolitan Economies and Connecting Peri-Urban Areas in India' (2013) World Bank Report, <<http://documents.worldbank.org/curated/en/373731468268485378/pdf/757340PUB0EPI0001300pubdate02021013.pdf>> Last accessed: 16 January 2018.

³ 'Trends In Sustainable Development- Towards Sustainable Consumption And Production' (2010) United Nations publication, <https://sustainabledevelopment.un.org/content/documents/15Trends_in_sustainable_consumption_and_production.pdf> Last accessed: 16 January 2018, see also, Homi Kharas, 'The Emerging Middle Class in Developing Countries' Brookings Institution' (2011), <<http://siteresources.worldbank.org/EXTABCDE/Resources/7455676-1292528456380/7626791-1303141641402/7878676-1306699356046/Parallel-Session-6-Homi-Kharas.pdf>> Last accessed: 16 January 2018.

⁴ Ira Peppercorn, 'Beyond the City Limits: Report Finds Rapid Suburban Growth in India, Potential for Sustainable Cities to Reduce Poverty' (2013) World Bank Report <<http://www.worldbank.org/en/news/feature/2013/10/21/india-urbanization-report-beyond-sustainable-cities>> Last accessed: 16 January 2018.

⁵, Ram B. Bhagat, 'Migration and Urban Transition in India: Implications for Development' (2017), United Nations Report <<http://www.un.org/en/development/desa/population/events/pdf/expert/27/papers/V/paper-Bhagat-final.pdf>> Last accessed: 16 January 2018.

⁶ Shirish Sankhe, 'India's Urban Awakening: Building inclusive cities, sustaining economic growth' (2010), Mckinsey Report <https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=0ahUKEwjnYsxnXAhUMto8KHeoZA90QFghCMAU&url=https%3A%2F%2Fwww.mckinsey.com%2F~%2Fmedia%2FMcKinsey%2Fglobal%2520Themes%2FUrbanization%2FUrban%2520awakening%2520in%2520India%2FMGI_Indias_urban_awakening_full_report.ashx&usg=AOvVaw1YzF29FHmMwELCY8l1StHZ> Last accessed: 16 January 2018.

Currently, India produces approximately five hundred and thirty one lakh metric tons of waste each year⁷. Unfortunately, most states in India continue to follow the unsustainable and environmentally detrimental practice of dumping their garbage in non-sanitary landfills.⁸ As per 2016 data, over thirty one million metric tons of waste out of the forty three million that is collected per year ends up in landfills; this is approximately seventy two percent of all waste collected in India. Continued land filling is getting more hazardous and unsustainable by the day, leading to adverse effects on health and environment, protests from villagers against dumping in their backgrounds, and the ever shrinking availability of land.⁹

A case in point being Karnataka, home to India's "IT capital", Bengaluru. It is a state that is facing a massive urban waste management crisis. Due to severe inadequacies in handling urban waste, Karnataka's capital city, Bengaluru, has earned the unfortunate moniker of the 'Garbage City' of India.¹⁰ As such, Karnataka is on the lookout for ways to effectively manage urban waste in a sustainable manner. It has pioneered innovations in solid waste management strategies such as the establishment of Dry Waste Collection Centers (DWCCs) and door to door collection of garbage.¹¹ However, Karnataka's and India's ability to successfully manage waste lies in its scientific disposal and in the nascent recycling sector of which waste pickers of this country form the very backbone.

Waste pickers are a group of enterprising individuals who, with no remuneration or aid from the municipal bodies in most cases, have been collecting and recycling their solid waste for

⁷ Ministry Of New And Renewable Energy, Lok Sabha Unstarred Question No. 2974 to be answered on 04.01.2018, Generation of Solid Waste: <<http://164.100.47.190/loksabhaquestions/annex/13/AU2974.pdf>> Last accessed: 16 January 2018.

⁸ 'Solid Waste Management Rules Revised after 16 Years; Rules Now Extend to Urban and Industrial Areas: Javadekar' (Pib.nic.in, 2016) <<http://pib.nic.in/newsite/PrintRelease.aspx?reid=138591>> Last accessed: 16 January 2018.

⁹ 'Identification And Characterization of Solid Waste Dump Sites and its Impact Study on Water and Soil in the State of Karnataka', Karnataka State Council for Science and Technology (ksct.org.in), <<http://www.ksct.org.in/environment/environ7.html>> Last accessed: 16 January 2018.

¹⁰ 'Can Bengaluru win its battle against rubbish?', (BBC News, 9 January 2017), <<http://www.bbc.com/news/world-asia-india-38494440>> Last accessed: 16 January 2018.

¹¹ 'Invisible Environmentalists', Hasiru Dala Annual Report 2014-2015 <http://hasirudala.in/wp-content/uploads/2016/06/Hasirudala-Annual-Report-2014-2015_final.pdf> Last accessed: 16 January 2018.

decades. Waste pickers are a resourceful lot, working for over 8 hours a day collecting, segregating and selling recyclable materials from the state's rubbish piles.¹² It is estimated that waste pickers are responsible for recycling almost twenty percent¹³ of the country's wastes and for diverting tons of recyclable waste that would otherwise fill up India's already over-flowing landfills. For instance, almost twenty one percent of Bengaluru's waste consists of recyclable materials including paper, polythene, cloth, rubber, glass and metals which are recycled by its waste pickers.¹⁴

This Report argues that the formal recognition and integration of waste pickers into the local municipal bodies in India and specifically in Karnataka could hold the key to solving its garbage woes. This would not only add a sizable workforce to aid in recycling waste, but would also mean increased employment generation and that the invaluable knowledge and expertise of waste pickers would now be at the State's disposal to use and incorporate into its waste management strategy. This Report will look at the progress Karnataka has made in solving its waste management crisis through the protection and integration of its waste pickers into its solid management strategy.

However until recently, the municipal authorities across India seem to have viewed them as "eye sores" and "nuisances" that needed to be eliminated.¹⁵ However, in the last decade, with the consistent efforts of various waste picker welfare organizations such as Hasiru Dala in Bengaluru, Chintan in Delhi, and Solid Waste Collection and Handling (SWaCH) in Pune the Government seems to be finally opening its eyes to the potential and caliber of its waste

¹² 'Invisible Environmentalists', see n(11)

¹³ Ranjith Annepu, 'Report on sustainable solid waste management in India. Waste-to-Energy Research and Technology Council' (2012) <<http://swmindia.blogspot.in>> Last accessed: 16 January 2018.

¹⁴ Dr. H N Chanakya, 'Towards a Sustainable Waste Management System for Bengaluru', Centre for Sustainable Technologies, Indian Institute of Science <http://wgbis.ces.iisc.ernet.in/energy/paper/wms_for_bangalore/sustainable_waste_management_system_for_Bangalore.pdf> Last accessed: 16 January 2018.

¹⁵ Gordon Wilson and Dina Abbott, *The Lived Experience of Climate Change: Knowledge, Science and Public Action*, (Springer, 2015) <https://books.google.co.in/books?id=s4B9CAAAQBAJ&pg=PA97&lpg=PA97&dq=nuisense+scavengers+and+eye+sores+chintan&source=bl&ots=3ivgwagrU7&sig=mk0Acp1tPsQukYjIdlDZ7JoUek0&hl=en&sa=X&ved=0ahUKEwjopPe_0KnXAhUUSY8KHWsoC9kQ6AEIjzAA#v=onepage&q=nuisense%20scavengers%20and%20eye%20sores%20chintan&f=false> Last accessed: 16 January 2018.

pickers. The Karnataka state Government and the Bruhath Bengaluru Mahanagara Palike (BBMP), ably assisted by waste picker welfare organizations have been able to take some innovative approaches towards ameliorating the conditions of its waste pickers, which is cause for optimism.

The endeavor of this Report therefore, is twofold: one, to highlight the plight of waste pickers and their immense contributions to Karnataka's solid waste management efforts and two, to highlight the pressing need to legally recognize waste picking as a genuine occupation in the state. In order to do this effectively, this Report will be divided into four distinct yet connected parts. Part I has dealt with the introduction and has given a brief picture of the current solid waste management crisis in India.

Chapter one and two, Part II will set down the current legislative framework, judicial guidance and Karnataka's municipal framework that governs solid waste management.

Part III will elaborate upon the vital contributions of waste pickers to India's solid waste management. This part will then look at the many ways in which waste pickers continue to face discrimination and marginalization due to the non-recognition of waste picking as an occupation under the law in India. Chapter three, Part III will contain an examination of executive guidelines in the form of recommendations of governmental bodies in India that have recognized the contributions of waste pickers.

Part IV will specifically look at the state of solid waste management in Karnataka and will evaluate and analyze the steps taken specifically by it the Karnataka Government to acknowledge and include waste pickers in its solid waste management.

Part V will contain an analysis and critique of '*Women in Informal Employment: Globalizing and Organizing's* (WEIGO) 2008 Draft National Waste Pickers Welfare Policy and evaluate its appropriateness for adoption into a waste Picker Welfare Law. This will be followed by Vidhi's recommendations to ameliorate the conditions of waste pickers in the state and will also elaborate upon the vital rights that need to be incorporated into the waste picker welfare law to ensure its success.

Certain aspects such as budgetary considerations, the larger housing crisis in India that has had an impact on the lives of waste pickers and the heterogeneity within the waste pickers' community itself are however, outside the scope of this Report.

The purpose of this Report is not just to collate and present a comprehensive picture of the lives and struggles of waste pickers but to also highlight their strength and dignity and to provide recommendations to ensure that they are given due recognition and protection.

A. Methodology

This Report adopts a mixed methodology and has two components: desk based and field based research. For the desk-based research, the sources of information may be categorized as follows: primary data, for which we have analyzed the various laws in India on solid waste management, the rules issued under them, and the relevant Government orders, resolutions and judicial pronouncements. This also included Reports of the various committees constituted by the Government as well as the Supreme Court of India to review the status of solid waste management in India as well as the plight of waste pickers in this country. The second category was a thorough literature review of studies conducted on waste picker welfare as well as journal articles and a draft welfare law for waste pickers.

With regards to the field based research, we adopted a questionnaire from the Citizen Consumer and Civic Action Group (CAG), an NGO based in Chennai and conducted a focus group with waste pickers who were affiliated to Hasiru Dala, a waste picker organization in Bengaluru in order to understand their socio-economic conditions and to ensure that the proposed law truly addressed their concerns.

II. INDIA'S SOLID WASTE MANAGEMENT FRAMEWORK

A. Legislative Framework

The conception of solid waste management as a public service that was to be performed by Government authorities originated in 19th century England. It was seen as a way to improve public order and more importantly, public health by limiting the spread of diseases caused due to unsanitary conditions.¹⁶ From the year 1850, Indian states had been governed by various Acts that dealt with solid waste management.

In the case of Karnataka, as per the States Reorganization Act, 1956, Karnataka came to include within itself various Kannada speaking regions from its neighboring states. While the Mysore Empire region was governed by the Government of India Act XXVI, 1850, Pre-independence, the reorganized regions were governed by municipal laws of their origin states. For instance, Belgaum, Bijapur, Dharwad and North Canara were governed by the Bombay Municipal Borough Act, 1920, South Canara and Udupi were governed by the Madras Town Development Act X, 1865 and the Madras District Municipalities Act VI, 1865, Gulbarga, Bidar and Raichur were governed by The Local Duty Act, 1900. In the year 1964, all these regions came under one uniform legislation, which was the Karnataka Municipalities Act of 1964.¹⁷

Post-independence, the most important laws concerning India's solid waste management are the Environment Protection Act, 1986 (EPA) and the various rules promulgated under it. The power to make laws in India is derived from Article 245 read with Article 246 of the Constitution of India which grants legislative competence to the States, the Centre or to both to make laws, depending on the subject matter as enumerated in the lists in Schedule VII.

¹⁶ Sonia Maria Dias, 'Waste pickers and cities' (2016), weigo.org, <<http://www.wiego.org/sites/default/files/publications/files/Dias-wastepickers-cities-2016.pdf>> Last Accessed: 16 January 2018.

¹⁷ C. N Manjappa 'A Guide to Karnataka Municipalities Act 1964', Available here: <<http://www.siudmysore.gov.in/pdf/readingmaterial/KMA/RM.pdf>> Last accessed: 16 January 2018.

i. Environment Protection Act, 1986

The most important law with reference to solid waste management in India is the EPA. It was enacted to ensure the protection and improvement of the environment and the prevention of hazards to human beings and all other living beings and property. It is an umbrella legislation under which extensive rules have been notified for the handling and disposal of wastes in India.¹⁸ Section 3 of EPA gives the Central Government the power to take all measures necessary to protect the environment and to control environmental pollution. Any contravention of the Act or the rules promulgated under it would result in a term of imprisonment extendable up to 5 years as well as a fine that could extend to one lakh rupees. The main authorities that ensure that these rules are adhered to are the Central and State Pollution Control Boards which were first established under the Water (Prevention and Control) Act of 1974. Their mandate was then extended to cover air pollution under the Air (Prevention and Control of Pollution) Act, 1981 and EPA.¹⁹

ii. Solid Waste Management Rules, 2016

The Solid Waste Management Rules, 2016 (SWM Rules) are the rules that are most relevant to this Report. They provide extensive guidelines on all aspects of solid waste management in India. The SWM Rules can be divided into three major parts for the consideration of this report. The first part contains definitions of terms related to solid waste management. The next part contains the duties of all agencies that have a role to play in solid waste management in the country, ranging from the municipalities to various Central & State Ministries, and Pollution Control Boards which are the nodal agencies for monitoring their implementation in the Union Territories and States. The final part of the SWM Rules contains

¹⁸ Section 25, The Environment (Protection) Act, 1986.

¹⁹ Evaluation of Central Pollution Control Board (CPCB), Indian Institute of Management, Lucknow, 2010, <http://www.cpcb.nic.in/IIMLko.pdf> see also, Dileep Kumar M, 'Statutory Requirements, Best Practices and Status of Hazardous Waste Management' (2010) Proceedings of Kerala Environment Congress 2010, Focal Theme: Solid And Liquid Waste Management, <<http://cedindia.org/wp-content/uploads/2013/08/KEC-Proceedings-2010.pdf>> Last accessed: 16 January 2018.

guidelines on various matters such as composting, landfilling and treatment of leachate in the annexures.

Apart from the aforesaid authorities, these rules also provide extensive guidelines on the role of various stakeholders in undertaking solid waste management, for instance:

- a. Generators of waste are under an obligation to not litter, to ensure segregation of waste and to hand over the waste to authorized collection agents.²⁰
- b. The rules make it mandatory for the Secretary-in-charge, Urban Development to prepare a state policy and solid waste management strategy in order to promote and implement scientific solid waste management in states.²¹
- c. Collectors and district magistrates are tasked with the facilitation, identification and allocation of suitable land for setting up processing and sorting facilities.²²
- d. Rule 15 of the SWM Rules lays down extensive provisions for solid waste management to be adhered to by municipal bodies. Among many others, these include door to door collection, creation of a solid waste management plan, and the incorporation of all the rules within one year of notification.

From the above, it is clear that the SWM laws in this country are fairly exhaustive in laying down duties and obligations to achieve the goal of making India's solid waste management scientific and structured. Karnataka has adopted these rules and is therefore bound to implement them.

²⁰ Rule 4, SWM 2016

²¹ Rule 11, SWM, 2016

²² Rule 12, SWM 2016

B. Judicial Guidance

In this section of chapter one, this Report will focus on the analysis of the most important judgments on solid waste management, which place the responsibility for the same squarely on the municipal authorities of states.

i. Municipal Council - Ratlam vs Vardhichand²³

In this case, the contention of the petitioners was that the Municipality was failing in meeting even its most basic obligation of providing sanitation facilities to slum dwellers, who, lacking other alternatives were being forced to use the roads for the purpose. The municipality however asserted that it could not provide sanitation facilities to the slums as it was facing a paucity of funds. The Supreme Court in this case held that municipal councils which have been constituted precisely with the purpose of preserving public health cannot deny their duty based on financial inability and ruled that decency and dignity are non-negotiable facets of human rights and are the first responsibility of municipal bodies.

ii. Rampal v State of Rajasthan²⁴

In this case, the petitioner sought the writ of Mandamus to compel the Rajasthan Municipal Board to remove dirty water and to construct proper sewage for the discharge of such water as it had become a breeding ground for mosquitoes and posed the threat of spread of diseases. The Rajasthan High Court ruled that under *Section 98 of the Rajasthan Municipalities Act, 1959*, the municipal board was primarily responsible for maintaining sanitation and for creating a healthy environment within the municipal area.

²³ AIR 1980 SC 1622

²⁴ AIR 1981 Raj 121

iii. B.L Wadehra v Union of India²⁵

In this case it was the contention of the petitioners that the Delhi Municipal Corporation (DMC) and the New Delhi Municipal Council (NDMC) were in violation of their statutory obligations to keep the city of Delhi clean. Here, the Supreme Court ruled that the municipalities in India were under a legal obligation to protect the environment and control pollution. It placed reliance upon Article 48-A of the Constitution which obligates the State to protect and improve the environment. Further, relying upon the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994 the Court ruled that the municipal bodies have a mandatory obligation to collect and dispose of garbage generated in the city. It ruled that inadequacy of staff, cleaning machinery and land cannot be grounds for the non-performance of this duty.

The Supreme Court in this case gave extensive guidelines and directions to the DMC and the NDMC to ensure optimal solid waste management. Among other directions, the Court mandated that all garbage must be picked up every day, that biomedical waste must be disposed of through incinerators and that the pollution control boards must inspect parts of the city regularly in order to ensure the proper collection, transportation and disposal of solid waste. Further, the Court also mandated the proper development and maintenance of sanitary landfills.

From the above cases it is clear that the courts in this country have taken a stringent view of the obligations of the Municipalities to keep their jurisdictions pollution and garbage free. It is also clear that every citizen in the country has a right to a clean environment.

²⁵ 1996 SCC (2) 594

III. INDIA'S WASTE PICKERS

A. A Portrait

Recycling is defined in the SWM Rules as a 'means of transforming segregated non-biodegradable waste into raw materials for producing new products'²⁶ and is a fundamental part of India's solid waste management strategy, at least on paper. It has economic, social and environmental benefits in that it leads to the effective reuse of earth's finite resources, leads to a more sanitary environment, better health outcomes and inculcates civic responsibility in citizens.

In India the recycling industry is predominantly confined to the informal sector in which over 92% of India's work force finds employment.²⁷ The informal sector essentially refers to a wide range of economic activities that are unregulated, undocumented and have no governmental permission or interference to speak of.²⁸ The corollary of this is that those working in the informal sector also receive no benefits, legal protection or security from the state. As the informal sector and the recycling industry in India in general have not been part of adequate empirical studies, it is difficult to accurately estimate the number of waste pickers in India. However, the Second National Labour Commission, 2002 estimated that nearly 50 lakh Indians earned their livelihood as waste pickers in the country, even excluding those working in the recycling industry.²⁹ This estimate would only have increased in decade and a half that has passed since.

²⁶ Solid Waste Management Rules, 2016

²⁷ 'India Labour Market Update', ILO Country Office for India, (International Labour Organization, July 2016) <http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_496510.pdf> Last accessed: 16 January 2018.

²⁸ Supriya Routh, *Enhancing Capabilities Through Labour Law: Informal Workers in India* (Routledge, 2014).

²⁹ Second National Labour Commission Report, Available here: <http://www.prsindia.org/uploads/media/Unorganised%20Sector/bill150_20071205150_National_Commission_on_Labour_2_Chapter_7_unorganised_sector_Part_A.pdf> Last accessed: 16 January 2018.

Waste pickers are critical to the vast and meandering recycling value chain as they are the primary providers of raw materials to the industry.³⁰ Waste pickers collect recyclable wastes from households, industrial buildings and dump yards. They then clean, segregate, and sell the waste to middlemen – who further segregate it and sell it to the wholesalers – who then sell it to recycling industries.³¹ A study conducted by Women in Informal Employment: Globalizing and Organizing (WEIGO) in Delhi in 2016 indicated that over seventy six percent of the waste pickers interviewed sold the waste harvested by them to formal buyers. The informal sector is therefore also a vital link to the formal recycling industry in India. Examples of the efficiency of India’s waste pickers is illustrated by the fact that, every year over two fifty nine thousand metric tons of waste paper as well as ninety percent of Polyethylene Terephthalate (PET) bottles produced in the country are effectively recycled, mainly due to the immense efforts of its waste pickers.³²

In India, waste picking is one of the most accessible avenues of employment especially because it has no barriers to entry. It is an avenue of employment that requires no special skills, knowledge or capital investment and is therefore one that is vital to the survival of the poorest of the poor in this country. As per the definition adopted by the SWM Rules, 2016, the term ‘waste picker’ has been defined as:

‘A person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets,

³⁰ Sonia Maria Dias and Melanie Samson, ‘Informal Economy Monitoring Study Sector Report: Waste Pickers’ (2016), weigo.org, <<http://www.wiego.org/sites/default/files/publications/files/Dias-Samson-IEMS-Waste-Picker-Sector-Report.pdf>> Last accessed: 16 January 2018.

³¹ Report of the High Power Committee, ‘Urban Solid Waste management in India’, Planning Commission, Government of India 1995 <<http://swachcoop.com/pdf/Bajaj%20Committee%20Report%201995.pdf>> Last accessed: 16 January 2018.

³² Badri Chatterjee, ‘India recycles 90% of its PET waste, outperforms Japan, Europe and US: Study’ (Hindustan Times, February 19 2017), <<http://www.hindustantimes.com/mumbai-news/india-recycles-90-of-its-pet-waste-outperforms-japan-europe-and-us-study/story-yqphS1w2GdlwMYPgPtyb2L.html>> Last accessed: 16 January 2018.

bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.’³³

Waste pickers are economically independent, self-reliant and clearly of enormous value to the country’s cleanliness agenda. They can be broadly divided into three categories: Itinerant waste pickers, who mainly pick up recyclables from streets, dump sites and businesses but not residences; fixed waste pickers, who have been formally integrated into the door to door waste collection programmes run by municipalities; and finally, Itinerant Buyers, who purchase recyclables from the waste pickers and then resell them up the chain for an added value. ³⁴

Studies have shown that waste pickers are responsible for saving municipalities across the country hundreds of crores in costs as they essentially collect, segregate and sell recyclables that would have otherwise ended up in landfills. For instance, a 2013 study by Chaya Chengappa found that waste pickers in Bengaluru alone retrieve and recycle waste of around 600 metric tons every single day, thereby saving the BBMP approximately forty-nine crores a year which doubtless would have increased considerably in the intervening five years. ³⁵

A study by Hasiru Dala, a waste picker trust in Bengaluru found that the majority of waste pickers working in India are women and children with most belonging to the Dalit community that has historically been subjected to endemic exploitation and marginalization.³⁶ The community of waste pickers is therefore doubly vulnerable to discrimination and exploitation. Over 64% of waste pickers are between the age of 20 and

³³ Pinky Chandran, Nalini Shekar, ‘Informal Waste Workers Contribution Bangalore’, <<http://hasirudala.in/wp-content/uploads/2016/08/1.-Full-Paper-Chandran-Informal-Waste-Workers-Contribution-in-Bangalore-1.pdf>> Last accessed: 16 January 2018.

³⁴ Poornima Chikarmane, ‘Waste Pickers in Pune, India Waste Pickers in Pune, India’ (2014) <<http://www.wiego.org/sites/default/files/publications/files/IEMS-Pune-Waste-Pickers-City-Report.pdf>> Last accessed: 16 January 2018.

³⁵ Chaya Chengappa, ‘Organizing Informal Waste Pickers: A Case Study of Bengaluru, India’ (2013) <<http://www.wiego.org/sites/default/files/resources/files/Chengappa-Organizing-Informal-Waste-Pickers-India.pdf>> Last accessed: 16 January 2018.

³⁶ Pinky Chandran and Nalini Shekar, see n (33)

40³⁷, belong to the young, severely disadvantaged youth work force in India which has been facing some of the worst unemployment conditions in recent history.³⁸ A similar study by WEIGO in Pune found that over 85% of waste pickers relied solely on waste picking for their primary income, earning between 100-200 rupees per day.³⁹

Even minor disruptions in their work will therefore invariably lead to starvation, destitution, homelessness and for the most vulnerable, death. A recent, well documented example of this is the latest overhaul of the indirect taxation system in India which increased the tax on recyclable materials from approximately 5% to 18% over night, thereby drastically reducing the already meager incomes of waste pickers for months and causing them untold misery.⁴⁰ Although this situation has since been remedied by a reduction in tax for recyclables from 18% to 5%⁴¹, it should not be forgotten that an ill thought out policy move took away even subsistence employment from one of the most vulnerable communities in the country. Although waste pickers have contributed immensely to the solid waste management in India, it is a shame that they still do not have a law that protects their interests and rights.

B. The Price of Non-Recognition

For human beings, jobs are not just a way to earn a living, but are also a way to measure their contribution to society and a valuable source of self-respect.⁴² The price paid by waste pickers for not being recognized under the law comes in many forms, but the one constant is the violation of their rights and the disregard for their contributions as human beings to the society they live in. This non-recognition of waste picking as a profession affects the ability

³⁷ *Ibid.*

³⁸ OECD Economic Surveys, 'India', (2017 <<https://www.oecd.org/eco/surveys/INDIA-2017-OECD-economic-survey-overview.pdf>> Last accessed: 16 January 2018.

³⁹ Pinky Chandran and Nalini Shekar, see n (33), see also Sonia Maria Dias, n (16)

⁴⁰ Neha Walani, 'Will India's recycling sector collapse under the new GST regime?' (Down to Earth, 8 August 2017) <<http://www.downtoearth.org.in/news/will-india-s-recycling-sector-collapse-under-the-new-gst-regime--58415>> Last accessed: 16 January 2018.

⁴¹ 'Changes in GST Rate For Certain Goods And IGST Rate On Imports Of Certain Goods' [As per discussions in the 22nd GST Council Meeting held on 6th October, 2017] <<http://www.gstcouncil.gov.in/sites/default/files/gst%20rates/GST%20RATE%20APPROVED%20BY%20GST%20Council-%206.10.2017.pdf>> Last accessed: 16 January 2018.

⁴² Supriya Routh, See n (28)

of waste pickers to move up the service hierarchy, as they are actively undermined, marginalized and dispossessed⁴³.

A parallel to the situation being faced by waste pickers in India is the situation of street vendors in India, who too were facing the consequences of not having a law that recognized their occupation as legitimate. *Sodan Singh v New Delhi Municipal Committee*⁴⁴ is the case under which the Supreme Court of India considered the plight of street vendors.

In this case, the Supreme Court of India held that the right to work under Article 19(1) (g) of the Constitution includes within itself any legal avenue through which a person makes his living. In this case, where street vendors were being subjected to constant harassment and derogation of their right to work due to the lack of a law that defined and protected their interests, the Supreme Court of India directed the DMA to frame rules and schemes that comprehensively dealt with all aspects of street vending so as to remove the ambiguities and non-recognition of street vending as a genuine profession under Article 19(1) (g).

In a similar manner, the current non-recognition of waste pickers that in turn leads to their constant harassment, is a clear violation of their right to livelihood under Article 19(1) (g) of the Constitution of India.⁴⁵ This view is bolstered by other Articles of the Constitution such as Article 38, 39 and 43 which demonstrate that the Government is tasked with the responsibility of providing social and economic justice to all its citizens without discrimination. The chapter will now look at the various ways in which the non-recognition of waste picking as an occupation affects the lives of waste pickers in India.

⁴³ Pinky Chandran and Nalini Shekar, see n (33)

⁴⁴ AIR 1989 SC 1988

⁴⁵ Ayani Srivastava, Vasujith Ram, Meenakshi Kurpad, Sohini Chatterjee, Pankti Vora and Modhulika Bose, 'Formalising The Informal Streets: A Legislative Review Of The Street Vendors (Protection Of Livelihood And Regulation Of Street Vending) Bill' (2012) Journal Of Indian Law And Society [Vol. 4 : Monsoon], <<http://jils.ac.in/wp-content/uploads/2014/04/street-vendor.pdf>> Last Accessed: 16 January 2018.

i. Violence

The non-recognition of waste pickers leads to them often being targeted and harassed by police and anti-social elements as they are seen as vagrants and thieves.⁴⁶ This delegitimization of their work means that when they collect, segregate and sell waste from the garbage dumps across the country – unless they have specifically been permitted by the state municipalities to do so, they are committing theft under the Indian Penal Code, 1860 (IPC).⁴⁷ Waste is considered to be the property of the municipalities or when waste collection is contracted out, it becomes the property of the private parties as per the standard contracts issued by the BBMP.⁴⁸ A study by Supriya Routh in 2011⁴⁹ on waste pickers in Kolkata, India found that most waste pickers who were interviewed had been taken into police custody at least once in their lives and had been booked under petty cases.⁵⁰ In order to be released from lockup, they were more often than not made to part with their meager earnings in the form of fines or bribes, thus impacting their monetary and physical wellbeing as well.

ii. Migrant Discrimination

Another important factor to consider when analyzing the impact of non-recognition in law on waste pickers, is the effect that it has had on migrant waste pickers. A study conducted in Delhi found that 97.5% of those surveyed has migrated due to either unemployment or poverty and to therefore find employment.⁵¹ Supriya Routh's study found that even after having lived, worked and contributed to the development of the state for decades, this non-recognition makes migrant waste pickers ineligible for Government schemes in West Bengal in addition to causing almost insurmountable difficulties in the obtainment of ration cards,

⁴⁶ *Ibid.*

⁴⁷ Section 378, Indian Penal Code, 1872,

⁴⁸ Draft Services Agreement: Selection of Service Provider for Collection and Transportation of Municipal Solid Waste and Street Sweeping in Select Wards of Bengaluru, bbmp.gov.in, (2015) <<http://bbmp.gov.in/documents/10180/426530/Volume++II+Draft+Service+Agreement+%281%29.pdf/d9799b31-e73b-415b-9a78-87d3d9687d2f>> Last accessed: 16 January 2018.

⁴⁹ Supriya Routh, see n (29)

⁵⁰ *Ibid.*, p 202

⁵¹ Papiya Sarkar, 'Solid Waste Management In Delhi – A Social Vulnerability Study' in Martin J. Bunch, V. Madha Suresh and T. Vasantha Kumaran (eds), *Proceedings of the Third International Conference on Environment and Health, Chennai, India, 15-17 December, 2003*. Chennai: Department of Geography, University of Madras and Faculty of Environmental Studies, York University. Pages 451 – 464.

electricity, water etc.⁵² This has had a significant negative impact on their standard of living as well as on their mental and physical wellbeing. For instance, it is estimated that over 80 percent of Delhi's 3-6 lakh waste pickers are Bengali Muslims. Irrespective of how valuable the work of these waste pickers is, they are often harassed by the police as they are suspected of being from neighboring Bangladesh. Their situation is so dire that when the Delhi High Court ordered the deportation of Bangladeshi migrants, many waste pickers who were Indians were deported to the no man's land between Bangladesh and India.⁵³

The plight of migrant waste pickers is further compounded by other factors such as sex, language, caste, age and religion. For instance, women waste pickers are generally found to be earning less than their male counterparts, and have to further contend other impediments such as sexual harassment.⁵⁴

iii. Exclusion from Governmental Health Schemes

Due to this non recognition, waste pickers are also excluded from various Government health schemes for insurance and subsidies that would have a positive effect on their health and wellbeing. Waste pickers suffer from a myriad diseases such as – skin diseases, musculo-skeletal ailments, respiratory disorders, cuts and needle wounds.⁵⁵ This is because of exposure to putrid and hazardous wastes in the dump yards and landfills where they collect recyclables from. Further, due to the stigma attached to their work, there have been instances where waste pickers in India have even been denied treatment in most Government hospitals and are forced to either neglect their conditions or pay exorbitant prices in private hospitals.⁵⁶

⁵² Supriya Routh, see n (29)

⁵³ Aparna Eswaran and Hameeda C.K, 'The Waste Picking Community: Some Issues and Concerns' (2013) Vol. 48, Issue No. 22, Economic and Political Weekly <<http://www.epw.in/journal/2013/22/web-exclusives/waste-picking-community-some-issues-and-concerns.html>> Last accessed: 17 January 2018.

⁵⁴ *Ibid.*

⁵⁵ Pinky Chandran and Nalini Shekar, see n (33)

⁵⁶ Ujwala Samarth, 'Occupational health of waste pickers in Pune: KKPKP and SWaCH members push for health Rights', [weigo.org](http://www.wiego.org), (2014) <http://www.wiego.org/sites/default/files/publications/files/Samarth_OHS_Health_of_WP_in_Pune.pdf> Last accessed: 16 January 2018.

iv. Contractor led Privatization Threat

Of late, the trend of privatization and contractualization of waste management is on the rise. This has had a severe exclusionary effect upon waste pickers across India.⁵⁷

A 2011 study by Chintan, an organization fighting for the rights of waste pickers in Delhi, found that after the DMC privatized waste collection, approximately 50% of the waste pickers lost their jobs or experienced a drastic fall in their incomes.⁵⁸ Similarly, a 2012 study by WEIGO conducted in Pune showed that the threat of privatization is of great concern to the fixed waste pickers from *Solid Waste Collection and Handling (SWaCH)*, a trade union of waste pickers which had been granted waste collection contracts in the previous years.⁵⁹ It was found that the waste pickers previously had an informal sharing system that allowed a large number of them to collect waste within the same area. However, the study found that after privatization, fewer people were able to earn a living from the same volume of waste.⁶⁰ A study conducted in 2016 to analyze the cost of privatization of waste collection on stakeholders in Punjab found that it had had a severely negative impact on the access and earnings of waste pickers.⁶¹

It is unfortunate that the modern vision of solid waste management often envisions privatization, capital intensive technologies and mechanization. This often excludes the human beings who have been at the forefront of waste management for years. The view that waste picking is 'outdated, traditional and primitive work'⁶² does not take into account either

⁵⁷ Pinky Chandran and Nalini Shekar, see n (33)

⁵⁸ 'Failing The Grade: How Cities Across India are Breaking the Rules, Ignoring the Informal Recycling Sector and Unable to Make the Grade', Chintan Environmental Research and Action Group (2011) <http://www.chintan-india.org/documents/research_and_reports/chintan-report-failing-the-grade.pdf> Last accessed: 16 January 2018.

⁵⁹ Sonia Maria Dias and Melanie Samson, see n (30)

⁶⁰ Waqar Ahmed, Amitabh Kundu and Richard Peet, *India's New Economic Policy: A Critical Analysis*, (Routledge, 2010).

⁶¹ Kiran Sandhu, 'Who wins and who loses? Impact of Privatization of Municipal Solid Waste Management Services on stakeholders' (2016) <http://uest.ntua.gr/cyprus2016/proceedings/pdf/kiran_who_wins_who_loses.pdf> Last accessed: 17 January 2018.

⁶² Sonia Dias, 'Waste and Development – Perspectives from the Ground' (2012), Special Issue 6 Field Actions Science Reports <<http://factsreports.revues.org/1615>> Last accessed: 17 January 2018.

the contributions of waste pickers to the recycling industry nor the thousands of lives dependent on waste picking as a source of livelihood in India.

C. Executive Guidelines on India's Waste Pickers

Although there is no Parliamentary Legislation yet that governs the occupation of waste picking, there are certain subordinate legislations (SWM Rules) and Committees that were constituted to look into improving efficiency of solid waste management in India that do provide some guidance on how to improve the lives of waste pickers in India.

i. Committee Reports

a. Report of the J.S Bajaj High Power Committee, 1994

The very first committee that deliberated upon the immense contributions of waste pickers to managing solid waste in India was *the J.S Bajaj Committee*. It was constituted in response to the outbreak of plague in Surat in 1994. In the course of the Report, the Bajaj Committee took a highly laudable and humane approach to addressing the plight of waste pickers and made numerous recommendations to better their lives.

b. The Asim Burman Committee, 1999

The Asim Burman Committee was appointed by the Supreme Court of India during the hearings of the *Almitra Patel Case*. Its mandate was to review all aspects of Solid Waste Management in Class-I cities in India. It was this committee that recommended that the Government to exercise its power to make rules under the *Environment Protection Act* that resulted in the promulgation of the *Solid Waste (Management and Handling) Rules in 2000*.

c. The National Environmental Policy, 2006

In 2006, The National Environment Policy, 2006 also took notice of the contributions made by the informal sector to India's recycling industries. It recommended 'legal recognition to, and strengthening of the informal sector systems of collection and recycling of waste'. In particular it recommended that 'access of waste pickers to institutional finance and relevant technologies be increased'

d. The Performance Audit on "Management of Waste in India, 2007

In the year 2007, the Performance Audit on "Management of Waste in India, 2007 was released by the Comptroller Auditor General of India. While recognizing the immense contribution of waste pickers to managing waste in the country, the 2007 Audit Report is highly critical of the Ministry of Forests and Environment for providing no legal protection to waste pickers in India. In order to address the situation, it recommended the registration of waste pickers and capacity building to aid and enhance their potential. It further recommended that waste pickers be given legal recognition by the Ministry of Forests and Environment in order to better their working conditions.

e. The National Action Plan on Climate Change, 2009

The National Action Plan on Climate Change, 2009 aims to guide India in tackling and mitigating climate change in the country. It affirmed that the informal sector was the backbone of India's recycling industry in this context and noted the negative role played by the municipalities in India by reiterating that *"unfortunately a number of municipal regulations impede the operation of the recyclers, owing to which they remain at a tiny scale without access to finance or improved recycling technologies."*

Committee / Criteria	Recognition	Critical of Municipalities	Capacity Building	Integration	Call for Law	Diseases	Organization	Other
Bajaj Committee	☑	☑	☑	☑	☑	☑	☑	Database Of Diseases
Asim Burman Committee	☑	☑	-	☑	-	-	-	-
Nation Environment Protection	☑	-	☑	-	☑	-	-	Recycling Impact
Comptroller Auditor General	☑	☑	☑	☑	☑	☑	☑	Recycling Impact
Climate Change Action Plan	☑	☑	☑	-	-	-	-	Recycling Impact

The above table represents the various relevant committees in India that have dealt with the welfare of waste pickers. It is clear from the above that the J. S Bajaj Committee of 1994 and the Comptroller Auditor General's 2007 Report are the most comprehensive in the guidelines that they provide. Both the committees explicitly recognize the importance of the waste pickers to the solid waste management efforts of the country and call for the creation of a law to recognize and protect them. Further, both the committees explicitly recognize that waste pickers are prone to diseases due to their constant contact with waste materials and call for the provision of protective gear. Additionally, one of their most important calls to action was the need to foster and empower waste picker welfare organizations that could aid waste pickers in capacity building and skill development.

Further a majority of the committees also specifically recognize the need for capacity building in the form of provision of low cost credit facilities, gear and technological inputs to increase the productivity of waste pickers in India. The National Environment Protection Act, 2006, the Climate Change Action Plan, 2009 and the 2002 CAG Report also specifically recognized the vital contributions of waste pickers to the recycling sector in India, and called for Municipal Bodies across the country to recognize and work with waste pickers to better the state of solid waste management in India. From the committee recommendations, three

recommendations may be gleaned, that there must be a law that recognizes the occupation of waste picking, that capacity building is an important part of the road to the amelioration of the plight of waste pickers in India and finally, that Member Based Organizations (MBOs) have an important role to play in the same.

ii. Rules

Moving now to the recognition of waste pickers in Government rules, the Solid Waste Management Rules, 2016 (SWM Rules) and the Plastic Waste Rules, 2016 (PWM Rules) have explicitly defined the term ‘waste picker’ and have included provisions for facilitating their access to waste in India.

a. The Plastic Waste Management Rules, 2016

The Plastic Waste Management Rules, 2016, (PWM Rules) define waste pickers under rule 3 (aa) as *‘individuals or agencies, who are voluntarily engaged or authorized for picking of recyclable plastic waste.’* The rules mandate that the municipalities must ‘engage with civil societies or groups working with waste pickers’ in order to improve solid waste management in the county.⁶³ The PWM rules however do not address the need for protection of waste pickers and the need to include them formally in India’s solid waste management strategy. This is a serious lacuna that needs to be addressed.

b. The Solid Waste Management Rules, 2016

The SWM Rules delve into the concept of waste picking and recycling in considerable detail. The Rules define a ‘waste picker’ under Rule 3(1)(58):

‘as a person or groups of persons informally engaged in collection and recovery of reusable and recyclable solid waste from the source of waste generation the streets,

⁶³ 6(f) Plastic Waste Management Rules, 2016

bins, material recovery facilities, processing and waste disposal facilities for sale to recyclers directly or through intermediaries to earn their livelihood.'

Recognition, Integration and Capacity Building

There is explicit recognition in the SWM Rules that waste pickers provide a vital service. In fact, Rule 11(1) (c) specifically calls for the explicit recognition and acknowledgement of the primary role played by waste pickers in reducing waste in India.

Further, Rule 15 of the SWM Rules now makes it mandatory for local bodies to formulate broad guidelines and to create a system that facilitates the integration of waste pickers into the waste management system. Rule 11(1) (m), makes it mandatory to start a registration scheme for waste pickers. Under Rule 11(1) (a), the rules for the very first time envisage an inclusive and participatory mechanism where informal sector workers such as waste pickers and recyclers are also engaged in the creation of a state's waste policy and solid waste management strategy.

Rule 3(1)(31) also makes it mandatory for the municipal bodies to provide a 'Material Recovery Facility' where waste pickers may segregate, sort and store recovered wastes. The Rules also explicitly recognize the role played by MBOs of waste pickers.

D. Recommendations

State Governments have a pivotal role to play in the recognition and integration of waste pickers into the municipal bodies of the states. In order to address the myriad effects of non-recognition under the law, as elaborated upon above, this Report recommends a two pronged approach, i.e., through the recognition and organization of waste pickers.

i. Organization

The first prong in ensuring the welfare of waste pickers lies in their organization into trade unions /co-operative /Member Based Societies (MBS). These organizations protect and advocate for the interests of their members and are essentially a means of exercising collective agency to advocate for rights and for political traction.⁶⁴ The advantage of forming themselves into recognized units such as MBS and trade unions lies in the fact that waste pickers would then have a greater provision of socio-economic resources and a greater agency to exercise their civil and political rights.⁶⁵ A study by Marta Mareello published in 2013 indicates that the waste pickers who are unorganized on average earn two thirds less than those who work in formal businesses.

The benefits that accrue to waste pickers from forming themselves into cooperative societies are many. They include improved income, social status,⁶⁶ and health, facilitation of better working conditions and self-esteem for the workers.⁶⁷ Studies have shown that member based organizations are key to challenging the existing prejudices and stigma surrounding waste picking as an occupation.⁶⁸

⁶⁴ Selim Jahan , Human Development Report (2016), United Nations Development Programme, <http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf> Last accessed: 16 January 2018; see also, n (14).

⁶⁵ Poornima Chikarmane, see n (69)

⁶⁶ Pinky Chandran and Nalini Shekar, see n (33)

⁶⁷ Sonia Maria Dias, see n (16)

⁶⁸ Poornima Chikarmane, 'Waste Pickers in Pune, India Waste Pickers in Pune, India' (2014) <<http://www.wiego.org/sites/default/files/publications/files/IEMS-Pune-Waste-Pickers-City-Report.pdf>> Last accessed: 16 January 2018.

In India, the foremost example of a co-operative society of waste pickers that has done tremendously well for its 9,326 members⁶⁹ is SWaCH of Pune, Maharashtra. It became the first waste picker owned and managed cooperative in India in 2006.⁷⁰ SWaCH finds its roots in *the Kagad Kach Patra Kashtakari Panchayat (KKPKP)* – the first trade union of waste pickers in India.⁷¹ The KKPKP is a trade union of waste pickers in Pune. SWaCH was formed in the year 2003 and for decades, has been advocating for the rights of Pune’s waste pickers and highlighting their immense contribution to maintaining the cleanliness of the city. Its members are predominantly Dalit women waste pickers. KKPKP was also instrumental in advocating for and securing the integration of waste pickers into the Pune Municipal Corporation (PMC) in the year 2000.⁷²

Through SWaCH’s efforts, the PMC signed a contract that allows its members to provide door-to-door waste collection to the city’s households. The waste pickers are responsible to both the residents and the PMC for their performance.⁷³ SWaCH’s waste pickers also collect organic waste and sell it to composting plants operated with the Municipality’s permission and therefore have been able to augment their earnings. The members of SWaCH are paid administrative costs, insurance and are provided equipment by the PMC with remuneration paid by the Co-operative society. The members of KKPKP pay a small membership fee which entitles them to Government recognized ID cards, health insurance, low credits and educational support for the child waste pickers.⁷⁴ Eight years on, Pune is one of India’s cleanest cities⁷⁵, thanks in large part to SWaCH.

⁶⁹ *Ibid.*

⁷⁰ Poornima Chikarmane, see n (68)

⁷¹ Pinky Chandran, Nalini Shekar, ‘Informal Waste Workers Contribution Bangalore’, <<http://hasirudala.in/wp-content/uploads/2016/08/1.-Full-Paper-Chandran-Informal-Waste-Workers-Contribution-in-Bangalore-1.pdf>> Last accessed: 16 January 2018.

⁷² Vasundhara Vedula, ‘How Women Waste-Pickers in The Deonar Dumping Ground Perceive Alternative Means of Livelihood’ <<http://dspace.tiss.edu/jspui/bitstream/1/2344/1/2011SE029%20Vasundhara%20Vedula.pdf>> Last accessed: 16 January 2018.

⁷³ *Ibid.*

⁷⁴ Poornima Chikarmane, see n (69)

⁷⁵ Swachh Survekshan Report (2017) <http://swachh-survekshan.in/SS_2017_Report.pdf> Last accessed: 16 January 2018.

Another such organization is the *Self Employed Women's Organization (SEWA)*. It was registered as a trade union in the year 1972 under the *Trade Unions Act, 1972*. It is an organization that promotes the full employment of its members, who are impoverished women from across the country. SEWA not only lobbies and advocates for change and recognition of informal workers but also fights for their socio-economic and political rights. It is their aim to ensure that workers obtain, 'work security, income security, food security and social security'.⁷⁶ It has a highly participatory and representational structure⁷⁷ with SEWA members electing their trade council and executive committee directly.⁷⁸ The governance of the union is carried out by the members themselves with assistance from professional service providers. SEWA is a pioneer of the protection of socio economic rights of informal workers in India in that it provides its members with skills training, health insurance, banking, advocacy as well as housing and child care services for its members.

Similarly, NGOs such as Chintan in Delhi have also succeeded in collaborating with the municipal organizations in Delhi to incorporate waste pickers into the door-to-door collection of waste in Delhi.⁷⁹ In a similar fashion, another NGO called Nidhan established a private limited company for waste pickers called Nidan Swachdhara. Under this company, waste pickers have been able to successfully enter into contracts for the door-to-door collection of waste for three different municipalities covering over sixty-eight thousand households. Additionally, the company provides workers with weekly health checkups, insurance for accidents, health and death as well as weekly leaves.⁸⁰

From the above, it is clear that there are multiple success stories in India that have championed the cause of waste pickers and that Karnataka has many different models of empowerment to choose to institutionalize and promote. These organizations not only

⁷⁶ Self Employed Women's Association (SEWA), 'About Us' <http://www.sewa.org/about_us.asp> Last accessed: 16 January 2018.

⁷⁷ Poornima Chikarmane, see n (69),

⁷⁸ Self Employed Women's Association (SEWA), 'Structure' <http://www.sewa.org/About_Us_Structure.asp> Last accessed: 16 January 2018.

⁷⁹ Poornima Chikarmane, see n (69)

⁸⁰ *Ibid.*

provide waste pickers with socio-economic resources and political agency but also with a sense of purpose and self-esteem.

ii. Recognition

The second prong in ensuring the welfare of waste pickers lies in issuing waste pickers with identity cards that acknowledge their occupation and their right to access, collect and sell waste from across their respective states. Waste pickers believe that identity cards benefit them in multiple ways, including by increasing their access to waste in both private and public areas and by giving their occupation legitimacy in the eyes of the police and the citizenry which reduces the harassment they routinely face. Further, The SWM and PWM rules also specifically mandate that waste pickers must be provided with identification documents.

If the above two prongs are made a part of every state's waste management strategies along with a specific law that recognizes the occupation of waste picking, there would in indeed be a work force of many lakhs added to tackling the country's ever alarming rise in waste production.

IV. KARNATAKA AND ITS WASTE PICKERS

A. Karnataka's Municipal Governance Framework

At present there are 180 towns and cities in Karnataka with 276 ULBs and 9 city corporations being tasked with the responsibility of managing the solid waste generated in the state. As per 2016-17 data, Karnataka has a population of 6.11 crore persons who on average generate 8842 metric tons of municipal solid waste per day (TPD), out of which only 7716 TPD is collected, a mere 3584 TPD treated and the remaining 3,946 TPD is sent to the 207 operational landfills present in the state.⁸¹

Coming to Bengaluru, the responsibility for solid waste management in the city rests with the BBMP. The city alone produces between 3,500 to 5000 TPD and is divided into 198 wards to facilitate its effective governance. The population density of Bengaluru has risen by 47% in the last decade alone and this has predictably led to a massive increase in the amount of waste generated in the city.⁸² It is estimated that over 15,000 waste pickers operate in Bengaluru alone, with most of them being migrants or Dalits with minimal education.⁸³

B. Karnataka's Solid Waste Management Framework

i. Urban Local Bodies such as Panchayats and Municipalities

The Constitution (Seventy-Fourth Amendment) Act, 1992⁸⁴ added Part IXA (Article 243P to 243ZG) to the Constitution of India. These provisions empowered the states to create

⁸¹ Annual Report 2015-2016, Karnataka State Pollution Control Board, <http://kspcb.kar.nic.in/Annual_Report_Eng_15-16.pdf> Last accessed: 16 January 2018.

⁸² Pinky Chandran, Nalini Shekar, 'Informal Waste Workers Contribution Bengaluru,' <<http://hasirudala.in/wp-content/uploads/2016/08/1.-Full-Paper-Chandran-Informal-Waste-Workers-Contribution-in-Bengaluru-1.pdf>> Last accessed: 16 January 2018.

⁸³ Siddhartha Lodha, 'Integration of Waste Pickers in Bengaluru's Municipal Solid Waste Management System for their Income Security,' <http://hasirudala.in/wpcontent/uploads/2016/08/Lodha_Siddhartha_PApaper.pdf> Last accessed: 16 January 2018.

⁸⁴ The Constitution (Seventy-Fourth Amendment) Act, 1992

independent entities that are vested with the power to govern India's urban areas for the improvement of public health, sanitation conservancy and solid waste management in their respective jurisdictions.⁸⁵ They can be termed as 'Urban Local Bodies' (ULBs) and include Municipal Corporation, Nagar Nigam, Municipal Council, Nagarpalike, Nagar Palikaparishad, Municipal Board, Nagar And Town Panchayats, Census Towns, Notified Areas And Notified Industrial Townships.⁸⁶ etc. Further, the SWM Rules assign this responsibility to ULBs as well.⁸⁷

ii. Karnataka Municipal Corporation Act, 1976

The Karnataka Government has utilized its power under Schedule VII List II, Entry 6 which grants it the power to frame laws on public health, sanitation, solid waste management and protection of environment to formulate the Karnataka Municipal Corporation Act, 1976. Section 58 of the Karnataka Municipal Corporation Act, 1976 deals with the obligatory functions of the municipal corporations. Under this section, the municipalities are under an obligation to make 'reasonable and adequate provision' for, cleaning of all public streets,⁸⁸ the collection, removal, treatment and disposal⁸⁹ of all waste and sewage that is generated by various districts in Karnataka and for the prevention and spread of dangerous diseases.⁹⁰

iii. Policy on Integrated Solid Waste Management, 2014

In order to tackle its solid waste management mandate, the Karnataka Government has also promulgated a Policy on Integrated Solid Waste Management⁹¹ which focuses on the three main aspects – feasibility, technological innovation, and capacity building in solid waste management. The policy aims to provide a framework for environmentally, financially and socially optimal waste management in the state. In order to achieve this aim, it proposes the

⁸⁵ Twelfth Schedule, Article 243 W Constitution of India

⁸⁶ Rule 3(30) Solid Waste Management Rules, 2016

⁸⁷ Rule 15 read with 3(30), SWM 2016

⁸⁸ Section 58 (2) the *Karnataka Municipal Corporation Act, 1976*

⁸⁹ Section 58 (3) the *Karnataka Municipal Corporation Act, 1976*

⁹⁰ Section 58(22) the *Karnataka Municipal Corporation Act, 1976*

⁹¹ Policy on Integrated Solid Waste Management – Karnataka, Available here: <<http://www.uddkar.gov.in/SWM%20Policy>> Last accessed: 16 January 2018.

establishment of an integrated and self-contained operating framework of solid waste management along with the adoption and improvement of existing technologies to facilitate scientific waste management. It envisions a pivotal role for ULBs which are tasked with raising awareness, scientific disposal and promoting the recovery of value from waste. It further provides extensive guidelines on scientific solid waste management including modes of collection, transportation and disposal of wastes. With regards to recycling it states that all recyclable materials should be segregated and transported in separate vehicles so as to ensure their optimum recyclability. The policy also promotes and provides directions for the use of processes such as composting and vermi-composting in order to recover value from waste while simultaneously reducing the burden on Karnataka's landfills.

From the above, it is clear that Karnataka does have a comprehensive legal framework for dealing with solid waste management as well as the legislative competence to make laws that would provide a fillip to the same.

C. Judicial Guidance in Karnataka

The two most important cases in the context of waste picker recognition in Karnataka are the Lok Adalat case of 2011⁹² and the ongoing case of Kavitha Shankar v State of Karnataka⁹³ PIL.

The Lok Adalat for Environment Case is the bedrock of the rights of waste pickers in Karnataka. It specifically recognized the immense contributions of waste pickers to the solid waste management of the state and directed the BBMP. It directed the BBMP to register waste pickers for the first time in India. This was carried out with the help and cooperation of various NGOs. The next contribution of the case was in starting the process for the creation of the DWCCs and the handing over of the same to waste pickers to operate. More than anything, the case played a vital role in highlighting the immense contributions of waste pickers to the solid waste management in the city.

⁹² W.P.NO. 13473 OF 1998 (PIL)

⁹³ WP no. 24739-40/2012

The Kavitha Shankar PIL was filed in the year 2012 with regards to the abysmal implementation the EPA. The above Lok Adalat case was clubbed with several other similar petitions and moved to the Karnataka High Court. This case was instrumental in the setting up of DWCCs in every ward in the city. This case also noted the importance of decentralization of waste management in the state and stressed on the need for segregation of waste at source, which directly contributes to the increased efficiency of the DWCCs.

D. Karnataka's Inclusiveness

i. Role of Hasiru Dala – Bengaluru's Waste Picker Trust

Hasiru Dala is a waste picker welfare organization in Bengaluru. It was formally registered as a trust in 2013, and has fought tirelessly for the rights and protection of waste pickers in Bengaluru. The organization empowers waste pickers through advocacy and skill development.⁹⁴ This includes provision of courses for developing negotiation skills and mechanisms to handle harassment.⁹⁵ Its unrelenting efforts have resulted in multiple benefits to waste pickers.

Hasiru Dala has also been instrumental in advocating for the waste pickers of Bengaluru by lobbying for their recognition and integration. Its successes range from scholarships, to the provision of bank overdraft facilities to the waste pickers, as well as pioneering the participation of waste pickers in the Dry Waste Collection Centers (DWCC). It is to be noted that all of these gains were made possible by the Karnataka government which was willing to listen and to engage with the organization.

⁹⁴ 'Invisible Environmentalists', see n(11) see also, Aditya Bharadwaj, 'From waste picker to entrepreneur, she has come a long way' (The Hindu, 28 February 2017), <<http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/from-waste-picker-to-entrepreneur-she-has-come-a-long-way/article17379952.ece>> Last accessed: 17 January 2018.

⁹⁵ 'Invisible Environmentalists', see n (11)

a. Health- Inclusion in Karnataka’s 2017 Universal Health Care Policy

The Karnataka Government has launched a new Universal Health Care scheme called ‘Arogya Bhagya’ for 1.4 crore households in the state.⁹⁶ What is heartening is that the scheme includes waste pickers under Category A – the priority sector that aims to provide medical care to economically and socially disadvantaged groups such as farmers, waste pickers, people belonging to SC/ST categories among others. Therefore, waste pickers will now be able to avail cashless treatments for emergency, primary, secondary and tertiary care at both government hospitals and empaneled private hospitals. This inclusion of waste pickers is a tremendous step forward, and will have a positive impact on the deteriorating health of waste pickers across the state.

b. Education – Pre-Matriculation Scholarships

The Karnataka government has also included the children of waste pickers in its Pre Matriculation scheme whereby, they are each entitled to a sum of one thousand eight hundred and fifty rupees per year. At the focus group conducted by Vidhi in collaboration with Hasiru Dala, this fact was verified by at least three of the waste pickers who had received scholarships for their children.⁹⁷

c. Recognition – ID Cards

In Karnataka, a project for providing identity cards to waste pickers was initiated in 2011 by the BBMP, making it the first urban local body to register waste pickers in India.⁹⁸ Through this project, over 6000 waste pickers in the city were identified and issued identification cards, with another 7,000 sanctioned. The project involved providing numbered photo identification cards to the waste pickers, with a centralized database created and maintained

⁹⁶ ‘Karnataka Government to give all citizens health cover from November 1st’ (Scroll.in, 29 August 2017), <<https://scroll.in/latest/848841/karnataka-government-to-give-all-citizens-health-cover-from-november-1>> Last accessed: 17 January 2018.

⁹⁷ Waste picker Focus Group conducted by Vidhi at Hasiru Dala on 29/11/2017

⁹⁸ Sonia Maria Dias, see n (16)

by the IT department of the BBMP recording this information. .⁹⁹ The authentication of the waste pickers was done through an introduction letter from the Resident Welfare Association/ Scrap Dealers/ BBMP AEE or health inspectors, stating that they were aware of the existence of waste pickers working in the ward for a number of years. ¹⁰⁰ This enabled the waste pickers who have been issued identity cards to protect themselves from police harassment and also legitimized and recognized their work. This was reiterated by the waste pickers who were part of the waste pickers focus group conducted by Vidhi with the help of Hasiru Dala, a waste picker trust based in Bengaluru. Further, the Karnataka Government also started the Samartha Project through which it aimed to enhance the capacity of 400 waste pickers through skill development. In encouraging news, the districts of Tumkur and Mysuru have also recently started the process of issuing identification cards to the waste pickers within their geographical limits.¹⁰¹ It is the recommendation of this Report that the identification card project be extended to the whole of Karnataka as its benefits in ameliorating the conditions are extensive.

d. Credit Facilities

Further, they have also been instrumental enabling the provision of credit facilities to waste pickers in Bengaluru at reduced rates. Their efforts have culminated in a collaboration with National Safai Karamcharis Finance & Development Corporation (NSKFDC) and Vijaya Bank which now provides overdraft facilities on savings account for waste pickers in Karnataka up to one lakh rupees at a nominal interest rate of six percent.¹⁰²

⁹⁹ Solid Waste Management Overview, Available here: <<http://bbmp.gov.in/documents/10180/512162/Overview.pdf/8b6ef323-429c-4959-aceb-b894f0ee0685>> Last accessed: 17 January 2018.

¹⁰⁰ Pinky Chandran, Nalini Shekar, 'Informal Waste Workers Contribution Bengaluru,' <<http://hasirudala.in/wp-content/uploads/2016/08/1.-Full-Paper-Chandran-Informal-Waste-Workers-Contribution-in-Bengaluru-1.pdf>> Last accessed: 17 January 2018

¹⁰¹ 'Struggles and Victories: Waste Pickers on the Frontline September 2016 – April 2017' (GlobalRec, 28 April 2017) <<http://globalrec.org/newsletter/struggles-victories-waste-pickers-frontline-sep2016-apr2017/>> Last accessed: 17 January 2018.

¹⁰² Archit Mehta , 'Sector Updates: Doing the unprecedented, making informal waste workers bankable in Bengaluru' (S3IDF.org, 17 August 2017) <<http://s3idf.org/blog/sector-updates-unprecedented-making-informal-waste-workers-bankable-bengaluru/>> Last accessed: 16 January 2018

e. Integration – DWCCs

The DWCCs are a decentralized system of waste collection that are unique to Bengaluru. They act as neighborhood recycling centers where all the dry waste from the residents is collected, sorted and recycled. As of December 2017, there were 180 Dry Waste Centers in the city catering to its 198 wards.¹⁰³ 35% of the DWCCs receive between 300-500 kgs of waste per day while 28% receive between 500 to 800 kgs per day.¹⁰⁴ This rate is set to increase with the stringent implementation of segregation of waste at source. In a major victory for waste pickers in the city, as of 2017, the running of the 198 DWCCs in the state has been given exclusively to the waste pickers in the city thereby employing hundreds of waste pickers in the DWCCs.¹⁰⁵

It is important to note that every single one of the above inclusions came about in large part due to the diligence, persistence and assistance of various NGOs such as the Solid Waste Management Round Table and Hasiru Dala¹⁰⁶ that assisted the BBMP and the Karnataka Government extensively.¹⁰⁷

E. Waste Picker Focus Group consultation

The above suggestions were also echoed in the Focus Group conducted by Vidhi with the aid of Hasiru Dala in Bengaluru on 27/11/2017. Over ten waste pickers participated in the same and expressed their views on various matters that affected their livelihoods. In general, they

¹⁰³ Swetha Dandapani, 'India's garbage mess: Why we need to start doing more at our homes and work-places' (The News Minute, 30 October 2017), <<https://www.thenewsminute.com/article/india-s-garbage-mess-why-we-need-start-doing-more-our-homes-and-work-places-70770>> Last accessed: 16 January 2018

¹⁰⁴ Pinky Chandran and Sandya Narayanan, 'A Working Observation on the Dry Waste Collection Centers in Bangalore' (2016), sciencedirect.com, <https://ac.els-cdn.com/S1878029616301128/1-s2.0-S1878029616301128-main.pdf?_tid=f915ad74-f9eb-11e7-a681-00000aacb35d&acdnat=1516017935_0a06c4015106bc1c6ac4e5a907763129> Last accessed: 17 January 2018.

¹⁰⁵ 'Bengaluru's SWM Information Manual' (2017) Bruhat Bengaluru Mahanagara Palike <[http://bbmp.gov.in/BBMPSWM/Documents/CleanBengaluru/SWM%20Information%20Manual%20Part-I_Overview%20\(English\).pdf](http://bbmp.gov.in/BBMPSWM/Documents/CleanBengaluru/SWM%20Information%20Manual%20Part-I_Overview%20(English).pdf)> Last accessed: 17 January 2018

¹⁰⁶ Dry Waste Collection Centers and Wastepickers (Hasirudala.in, 2016) <<http://hasirudala.in/wp-content/uploads/2016/08/2.-DWCC-and-wastepickers.pdf>> Last accessed: 17 January 2018.

¹⁰⁷ Sonia Maria Dias, see n (16)

acknowledged the positive impact that Hasiru Dala had had on their lives. The efforts that they considered most beneficial were the provision of Identification cards, bank overdraft facilities and the pre-matriculation scholarship facilities for their children. They also reported a significant decrease in the harassment they faced at the hands of the police and general citizenry since haven been given their Identity cards.

However, the waste pickers noted that the identity cards also had a negative fallout, in the sense that the waste pickers who were unable to gain these cards due to reasons such as their migrant status were now facing even greater exclusion and marginalization. They expressed the view that these waste pickers must also be given ID cards by the BBMP.

Another area of concern for the waste pickers who were interviewed was the delay in salaries that the BBMP paid them for their work at the Dry Waste Collection Centers (DWCCs). The waste pickers also mentioned that provision of subsidized insurance facilities to those running the DWCCs would be a step in the right direction. Further, the waste pickers expressed concern about possible mechanization which they feared would result in job losses. An opinion on the contrary from one of the other DWCC operators was met with vociferous dissidence.

The most important take away from the focus group was their pride in running the DWCCs, which they perceived as the recognition of their dignity and entrepreneurial skills and in the respect that they had gained in the eyes of the police and the BBMP.

V. RECOMMENDATIONS AND CONCLUSION

The existence of a state law would aid immensely in reducing the insecurity associated with waste picking. Similar laws to prevent the exploitation of workers in the unorganized sector include the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996, and the Beedi Workers Welfare Fund Act, 1976.

A law that guarantees to waste pickers access to certain Governmental schemes would also provide a cushion to waste pickers in times of crisis. Institutionalization and legalization of schemes such as the provision of identification cards, scholarships and aid in setting up member based organizations would mean that the protections due to waste pickers would not be dependent on the whims of changing Governments.

Some of the most important factors that result in the inability of waste pickers to move up the value chain include occupational risks, the lack of sorting and storage locations, medical insurance and the lack of adequate infrastructure.¹⁰⁸ The 2016 Solid Waste Management Rules provide for the same under Rule 15. The codification of the various provisions under the SWM Rules, 2016 such as formal integration, provision of material recovery centers, protective gear and other forms of support would empower waste pickers immensely as well.

A. WEIGO's Draft Waste Picker Welfare Law

In this regard, it is important to acknowledge and analyze the 'Draft National Policy for Ensuring Decent Livelihoods in the Recycling Industry – A Policy of Inclusion and Integration

¹⁰⁸ OECD Economic Surveys, see n (38)

of the Informal Recycling Sector/Industry in the Process of Solid Waste Management’ created by WEIGO.¹⁰⁹

This draft policy created by WEIGO places the integration of all stakeholders in India’s waste management and recycling industry as its central tenet while making the ‘recognition, regulation and incentivization’ of recycling in India its ultimate goal. The policy recognizes that the role of waste pickers in bridging the gap between communities and the local Government is vital to a successful waste management policy. It contains definitions of various aspects of waste recycling and specifically identifies the persistence of caste dynamics in the choice of livelihood of waste pickers.

It recognizes that implementation of plans such as the introduction of incinerators would not only affect the environment negatively but would also be detrimental to waste pickers as both will then have to compete for the same high calorific waste. It further identifies that this is violative of India’s international obligations under the Kyoto Protocol and the Stockholm Convention on Persistent Organic Pollutants – as these burn technologies have been shown to cause excessive pollution. It makes recommendations regarding the use of less packaging material, ensuring waste segregation, and regulations for scrap traders including their registration by urban local bodies.

With regards to the integration of waste pickers in the solid waste management system in India, it calls for the creation of a nodal agency or a worker facilitation center that will identify, register and maintain a database of waste pickers, itinerant buyers, traders and NGOs engaging in waste collection in each ward. Additionally, it mandates that the nodal agency must be managed by the waste pickers themselves along with the ULBs. It also lists various facilities that should be provided to waste collectors across wards such as clean drinking water, toilets, free medical checkups, maternity benefits, women and child care,

¹⁰⁹ ‘Draft National Policy for Ensuring Decent Livelihoods in the Recycling Industry’ (weigo.org, August 2008) <http://www.wiego.org/sites/wiego.org/files/resources/files/wp_swm_policy.pdf> Last accessed: 17 January 2018.

social security, capacity building of waste pickers, and protective clothing and equipment for waste pickers. It places emphasis on the provision of identity cards to waste pickers as well. In addition to this, it calls for systemic changes such as the creation of credit groups and corpus funds in order to provide waste pickers with low cost loans and the adoption of a tendering process by the ULBs that will not lead to the displacement of waste pickers through privatization.

In furtherance of the welfare of waste collectors, the policy also specifically calls for the recognition of certain rights of waste collectors such as their right to access waste, right to be acknowledged as self-employed, right not to be discriminated by the ULBs on grounds of caste, sex, religion etc. In addition to the above provisions, the guidelines also recommend a minimum support price for the waste collected.

The WEIGO policy is an excellent starting point for the creation of a welfare law for waste pickers in Karnataka as it adequately addresses all the main concerns of the waste picking community.

B. Model Waste Picker Welfare Law – A Few Recommendations

The creation of a Waste Picker Welfare Law will ensure that the rights and needs of waste pickers are recognized and addressed as legal obligations instead of state largess that could change anytime. A welfare law would ensure that waste pickers are provided with social protection, labour protections, skill development opportunities and a positive regulatory framework under which they may work. It has been shown that enforcement of such worker welfare laws in fact leads to ‘higher productivity, innovation and economic performance’¹¹⁰. Additionally, protective laws such as the one proposed here have positive effects on multiple fronts which manifest in greater job security, training, health and higher incomes, which has

¹¹⁰ ‘The Regulatory Framework and the Informal Economy: International Labour Standards’, International Labour Organization <http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210445.pdf> Last accessed: 17 January 2018.

a further spillover effect on the larger economy and society as well.¹¹¹ Further, the welfare law would also have a uniting effect on waste pickers and would lead to the strengthening of dialogue.

Based on the above assessment of the plight of waste pickers in India and the case for their legal recognition and integration into the solid waste management system in India, Vidhi recommends the following clauses in the Waste Picker Welfare Law:

i. Effective Recognition Clauses:

- a. Acknowledgement of the rights of waste pickers to access, collect and sell waste in the state.
- b. The mandatory provision of identification cards. The SWM Rules, 2016 consistently refer only to 'authorized' waste pickers. In order to ensure that all waste pickers are equally recognized under the law, it should be the duty of the Government to provide identification cards in the most convenient way possible to waste pickers as a recognition of their right to the same.
- c. The mandatory provision of subsidized waste picking gear for service rendered, including shoes with metal plated soles and toes, gloves made of sturdy material, protective masks to prevent respiratory diseases and sorting tools as the basic minimum through a public distribution systems such as Janata Bazar.
- d. The mandatory implementation of Extended Producer Responsibility (EPR) as prescribed by the SWM rules and the mandatory inclusion of waste pickers in the collection, sorting and selling of the same. For instance, the current DWCC system in Bangalore would be an excellent starting point for the collection and recycling of branded wastes. EPR must be implemented such that the waste pickers in the DWCCs receive monetary benefits from the companies responsible for the creation of branded litter.
- e. Training and capacity building especially with respect to recycling of E-Waste must be taken up by the Government as a priority.

¹¹¹ *Ibid.*

- f. The creation of a Nodal Body under the aegis of the Department of Labour, which also comprises of municipal officials including those from the Social Welfare Department is necessary. This would ensure that all aspects of waste pickers' welfare including their registration may be addressed at one central point.

ii. Social Welfare Inclusion Clauses:

- a. Inclusion of waste pickers in all social welfare schemes available to the marginalized and the impoverished in India.
- b. Ensuring minimum wage standards.
- c. The active usage of Anganwadis must be promoted amongst waste pickers for the health and well-being of children
- d. The law must contain beneficial provisions such as the Pre-Matriculation Scholarship Scheme in Karnataka.
- e. Provision of Pension for services rendered. Waste pickers must be made eligible for the old age pension scheme already in place in Karnataka called the Sandhya Suraksha Yojana. The eligibility age must be reduced to 50 years to account for the economic hardship of the waste pickers.
- f. The creation of occupational health clinics.

iii. Financial Inclusion Clauses:

- a. The creation of a Karnataka specific Co-operative bank for all marginalized workers in India akin to the Brazilian Bank for Economic and Social Development.
- b. The institution of a regular payment system that allows them to both collect remuneration for the services rendered and the right to sell the waste that they deem resalable.
- c. Provision of subsidized insurance facilities to the waste pickers engaged in the running of DWCCs in the state.

iv. Municipal Inclusion Clauses:

- a. Making bidding unnecessary for waste picker MOBs with regard to solid waste management contracts along the lines of the Brazilian Law.112 Section 4(g) of The Karnataka Transparency in Public Procurements Act, 1999 may be used to great effect in this regard. The section refers to certain exemptions for special procurements of services by the Government through a notification.
- b. Acknowledgement of the threat of privatization to the livelihood of waste pickers and an active mandate to hire a minimum number of waste pickers by all private companies seeking municipal contracts in Karnataka for solid waste management. The DWCC model must now be extended across Karnataka such that waste pickers all over the state may benefit from it.

We wish to highlight the contributions and the plight of waste pickers in Karnataka, and the absolute necessity to legally acknowledge and recognize their contributions to solid waste management in the state. Due to their non-recognition in the law, it is clear that waste pickers continue to be subjected to marginalization, stigma and harassment. A law that specifically addresses their needs and welfare is their right and an obligation. The Karnataka Government must take all these factors into account and must take steps to protect one of its most vulnerable communities as a matter of urgency.

¹¹² Brazil, Article 57, Law 11.445/07



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