

**Inputs for the report on Pollution Information Portals by the Special
Rapporteur on toxics and human rights**

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Introduction:

This short article responds to the Special Rapporteur on Toxics and Human Rights' call for input. Due to limitations of time, space, and resources, this submission has limited information coverage. Nonetheless, we hope it will provide essential inputs to the Rapporteur regarding the status of Pollution Information Portals in India. The input discusses general provisions in India regarding access to information, the available information online about pollution, and specific information on releases of hazardous substances while sharing people's expectations.

Availability of information in India - the general status:

In India, access to information is mainly governed by the Right to Information Act (RTI), passed in 2005. The law aims to empower Indian citizens to seek any accessible information from a Public Authority and to make the Government and its functionaries more accountable and responsible. Our experience of utilising the provisions of the act indicates that though the act supports the free flow of information to the people, it has various gaps. Sometimes, public offices are unwilling or hesitant to disclose information and misuse these gaps to hide, delay, or even deny the information. On top of this, the Digital Personal Data Protection Act dilutes the provisions of the Right to Information (RTI) Act, making it redundant¹. Information on hazardous and toxic waste can also be obtained through the same Act.

Toxic Waste in India and the current legislative framework:

In India, toxic and hazardous waste is generated from various sources. Over the years, the management of waste, especially hazardous and toxic waste, has become more complicated due to exponential growth in the quantity of waste. The root of this issue lies in Indian industries' increasing demands and needs, leading to both a quantitative and qualitative increase in waste production. To address this concern, the Ministry of Environment & Forests, Government of India, introduced the Hazardous Waste (Management & Handling) Rules on July 28, 1989, under the

¹ For details on the topic - <https://www.downtoearth.org.in/news/governance/new-data-protection-law-dilutes-rti-will-impact-marginalised-and-poor-experts-91183>

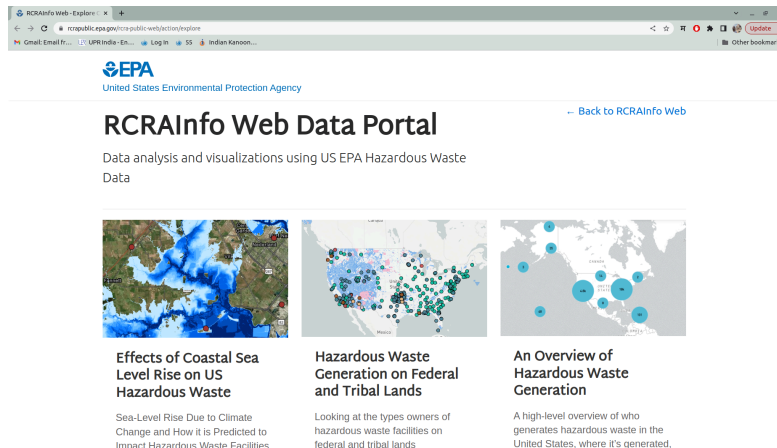
provisions of the Environment (Protection) Act, 1986, for the effective management of hazardous waste management in India. This legislation underwent subsequent amendments in 2000 and 2003. Additionally, to ensure the effective management of hazardous waste, particularly solids, semi-solids, and other industrial wastes not covered by the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, the Hazardous Wastes (Management, Handling, and Transboundary Movement) Rules, 2008, were implemented.

Our experience of working with communities affected by the poor handling and disposal of hazardous waste is mainly limited to the indigenous (Adivasi, constitutionally identified as scheduled tribes) and, in some cases, also scheduled castes (Dalits) communities from Jadugoda, Jharkhand and Gadchiroli, Maharashtra. It indicates that the implementation of existing provisions is inferior. However, it is pretty tricky to highlight the dangers the community faces as minimal data is available precisely.

Current availability of the Data:

We failed to find any consolidated data on toxic or hazardous waste generated in India. The existing data, readily available online, pertains to air, sound, and water pollution². It is silent about the generation and disposal of hazardous substances. Another source for data is the annual inventory report maintained by and displayed by the Central Pollution Control Board on its website. This data is a statistical account of the hazardous waste generated in various states. Although the report is comprehensive and published almost every year, it is challenging to comprehend this report as it discloses the data in raw format. Technical words not common to many stakeholders are used as data labels. This makes the data useless, at least for some stakeholders. The concepts are not explained anywhere in these reports. So, suppose the indigenous community from Jadugoda in East Singhbhum, Jharkhand, where the uranium waste is dumped in the open mountains, is interested in knowing the details, such as the quantity dumped per day. In that case, it will be nearly impossible for an individual from the community to understand it from the report. We can compare the information the United States Environmental Protection Agency provided with this. The US has provided information that can be comprehended even by non-technical individuals. The following picture will clarify this point:

² Under the tab - Air, water and noise data - <https://cpcb.nic.in/>



The above picture indicates how the information is displayed in a simplified manner. This information can be utilised to further involve stakeholders. Similarly, little data is available on hazardous waste generated in cities (municipal waste) and its disposal, medical, hazardous waste generation and disposal, and other types of hazardous waste.

The Expectations:

There is an urgent need for the government to collect and disclose information regarding toxic and hazardous waste online. This data also needs to be decoded in non-technical language so that the stakeholders affected by disposal or in the process of disposal of this waste, for instance, the locality around where the waste is disposed, or the employees working in the process of disposing of the waste also can understand the implications easily. Such availability of information in a simplified format is essential to promote and protect human rights. The following can be suggested in this regard:

1. To initiate an independent portal under the appropriate ministry to collect and display data regarding the generation and disposal of hazardous waste in India. A dedicated budget should back such an effort.
2. To update the information regularly by dedicated staff for the collection, segregation and disclosure of information
3. The collected data must be displayed in two formats: 1. Raw data (the statistical units) and 2. More understandable decoded interpretation through various tools and methods, such as graphics and charts.
4. The data needs to display, among other things, the daily generation and disposal, budget allocation for management, the effects and affected

communities, the budget to monitor the effects of the generated hazardous waste, and the utilisation of the budget, etc.

5. The information displayed on the portal needs to be updated daily, monthly, quarterly, yearly, and any other appropriate interval, as the case may be.

Transparency of information, among other things, will facilitate the involvement of stakeholders in decision-making, better protection and promotion of human rights, better confidence building among all stakeholders, and better possibility of reducing environmental hazards.