Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Who is Keeping the Nation Swachh?



(Image source: http://www.latimes.com/world/asia/la-fg-india-sewers-20140704-story.html)

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

In This Issue

COVER STORY:

• Who is keeping the nation *swachh*?

HEADLINE OF THE WEEK:

• Will the government walk the talk with farmers?

SECTION 1: ECONOMY

• Insolvency professionals for NPA cases rush to buy insurance for themselves

SECTION 2: GOVERNANCE AND DEVELOPMENT

- **Politics and Governance:** Cattle battle for Army; Aadhar needed for registration of death from October 1st
- Government: As job losses mount, BJP seeks to differentiate between employment creation and job generation
- Security: Hacker shows cops how he got Aadhar data
- Education: Skill, don't detain
- Transport: Tamil Nadu loses Rs. 4 lakh a day as 520 buses lie idle, unable to pay accident relief
- Environment: In numbers: How waste is usurping Ganga
- Law and Justice: Centre to form tribunal on Mahanadi water dispute

SECTION 3: SOCIETY

• Gender: Indian Airlines launches program to protect its solo female fliers

SECTION 4: INDIA AND WORLD

• India and the World: Pressure on Nepal over Doklam standoff

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Lead Essay

Who is Keeping the Nation Swachh?

Introduction

On the 2nd of October, 2014, the Government of India embarked on one of its most ambitious poll promises: the Swachh Bharat Mission (SBM), which, according to the Prime Minister, aims to "fulfil Mahatma Gandhi's dream of a clean and hygienic India." As per the guidelines for the urban component of the SBM, the eradication of manual scavenging is one of the many objectives that are to be fulfilled before the 2nd of October, 2019 – the stated date for the completion of the scheme. This is proposed to be done by directing the state governments to identify all manual scavengers in urban areas, upgrading the insanitary toilets linked to their employment to sanitary toilets, and adequately rehabilitating the manual scavengers.ⁱⁱ Here, we need to ask some important questions: does the mere upgradation of insanitary toilets ensure the elimination of manual scavenging? More importantly, does this criterion to identify manual scavengers include the safai karamcharis, who, in the course of their work, are also forced to come into contact with human excreta?

Both questions are linked, and unfortunately have their answers in the negative. Existing work around waste management systems in India shows that it is not only insanitary latrines that lead to the continuance of manual scavenging; its eradication is equally impeded through fully-functioning sanitary latrines by way of being connected to 'boxed' septic tanks and ineffective sewer management systems. Human waste, then, is required to be cleaned not only from dry latrines, but, in most cases, from municipal sewers as well. It is here that the safai karamcharis come into picture. Termed as 'nala beldars' in Delhi, these workers are mostly employed by private contractors to whom many government bodies themselves outsource the cleaning work. Provided with no safety equipments, safai karamcharis enter private septic tanks, municipal manholes, etc., to clean them from all kinds of waste, including human excreta, thereby undertaking the same work as that of manual scavengers. It has also been noted, officially, that as a result of contractualisation of the safai work, in cases of safai karamcharis dying of asphyxiation after inhaling toxic gases from these tanks and manholes, neither the municipalities/corporations nor the contractors take responsibility.

Amidst the absence of a national dialogue on the detrimental conditions of safai karamcharis, the continuing cases of their occupational fatalities and no categorical government records thereof, iii this article seeks to draw attention to the ineffective approach of the SBM on at least two fronts: first, improving the existing sewer management systems; and second, abolishing the contractualisation and outsourcing of civic sanitation work. It argues that as long as the sewer management systems are not revamped and their cleaning process is not mechanised, the safai karamcharis would be continually forced to work as manual scavengers. It also argues that the goal of the national cleanliness campaign is inextricably linked with improving the living conditions of the safai karamcharis, who, as many have said, are the 'foot-soldiers' of the SBM.

Waste Systems

Much of the focus of the SBM lies in building large numbers of individual and public sanitary toilets and thereby preventing open-defecation with the help of "behavioural change." However, as Sunita Narain has pointed out, toilets shouldn't be confused with sanitation, as it is not necessary that the excreta from the sanitary toilets would directly flow into a Sewage Treatment Plant (STP) through a piped connection. In most cases, the flushed excreta goes into a septic tank. The 2011 Census defined a septic tank as "a system for excreta collection consisting of a water-tight settling tank normally located underground, away from the house. These septic tanks undergo cleaning periodically (usually after a few years) either manually or by machines." According to the Census, out of the 246,692,667 households (both rural and urban) that were surveyed, 22.2 % latrine facilities were connected to septic tanks, with only 11.9 % having a piped sewer system. More interestingly, out of the total urban households, 38.2 % latrines were connected to septic tanks, while 12.6 % households defecated in the open. In the rural areas, 14.7 % of households used septic tanks and 67.3% had members who defecated in the open. This implies that in urban areas, the number of households that used toilets connected to septic tanks was more than that of those who defecated in the open. As the Centre for Science and Environment (CSE) highlighted, in most cases, these septic tanks are not well-constructed so as to "retain the [faecal] sludge and discharge the liquid through a soak pit;" rather, they are merely 'boxes' containing excreta, which, as the Census too notes, need to be cleaned

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Lead Essay

either manually or through machines. Since tanker facilities are expensive, manual cleaning is preferred both by individuals private contractors. They use the services of safai karamcharis who are forced to work as manual scavengers for a meagre pay.

Apart from septic tanks or dry latrines, workers may come into contact with excreta, while cleaning sewer lines and urban municipalities too. In a case study of the Pune Municipal Corporation (PMC) done by Anagha Ingole, it was found that most sewer workers employed by the PMC, or by private contractors outsourced by the PMC, "come into direct contact with human waste during the course of their work."

Inghole argues that the sole objective of the state in the long run should not only be on abolishing dry latrines, but to also modify the existing structures which manage solid waste, since even sanitary latrines might release faecal sludge into municipal sewer lines. It is not hard to see that without significant measures in this direction, the demand for cheap labour to clean human waste in these sewer lines would remain unhindered; and with an abundant supply of cheap labour to meet this demand, the mission to eradicate manual scavenging would be further protracted. It is also pertinent to note that this supply of cheap labour is maintained by way of government bodies contractualising the safai work, thereby not only pushing the wages of the safai karamcharis further below, but also evading responsibility in cases of worker fatalities.

Contractualisation of Jobs

Every time a safai karamchari climbs into a septic tank or a manhole for manual cleaning his life is in danger due to the presence of the toxic gases. Added to this is the practice of contractualising the work of the safai karamcharis thus depriving them of basic pay, right to protective gear and other facilities mandated by the government. Almost a year after the launch of the SBM, on the 12th of November, 2015, the dead body of Vinay Sirohi was found in one of the pipes of a digester at the Delhi Jal Board's (DJB) Keshopur STP. Sirohi, a contractual worker at the STP, was reportedly hired by a private firm as a valve operator.^x No protective gears were given to him to fix a leak in the pipeline. Almost two years later, last month, four sanitation workers, residents of the Ambedkar Colony, Chhatarpur, were asphyxiated after inhaling toxic gases while cleaning a septic tank in Ghitorni, Delhi.^{xi} In April this year, in the Patti area of the Tarn Taran district in Punjab, the poisonous gases inside a sewerage pipeline claimed the lives of two sanitation workers.^{xii} Before that, in February, three workers similarly lost their lives in a septic tank of a residential colony in Malwani, Mumbai.^{xiii} And last year, in December, two workers died in a septic tank at a broom-stick manufacturing firm in Red Hills, Chennai.^{xiv} In all four incidents, the workers were employed by individuals and contractors, and no worker was provided with any protective gear to undertake the cleaning work.

In its first annual report for the period 1994-95, the National Commission for Safai Karamcharis^{xv} (NCSK) recommended to the central and state governments the abolishment of contract system in "scavenging work" to stop the exploitation of safai karamcharis. It categorically stated that contractualisation of such jobs should be declared "illegal" and "punishable." In its second report for the period 1995-96, it opposed public sector undertakings contractualising sanitation work, as "it deprives workers mostly belonging to Sweepers/Scavengers community" — members of the Scheduled Castes. This opposition was in the light of a Supreme Court judgment — dated 9th of May, 1995 — which noted that public sector undertakings "have been indulging in unfair labour practices by engaging contract labour when workmen can be [directly] employed." The judgment noted that "[t]he only ostensible purpose in engaging the contract labour instead of the direct employees is the monetary advantage by reducing the expenditure." The judgment argued that that "economic growth is not to be measured only in terms of production and profits. It has to be gauged primarily in terms of employment and earnings of the people. Man has to be the focal point of development." It was with this ethos that the report went on to recommend that "contract labour for sanitation work may be banned throughout the country by a Central notification." Xix

Decades later, the situation remains largely unchanged. In its latest report for the period 2015-16, the Commission yet again highlighted the "deplorable conditions and exploitative employment of safai karamcharis working on Contractual basis." In comparison to their permanent counterparts, contractual safai karamcharis lack job security, receive fewer wages, and are subjected to worse working conditions and atmosphere. The report also invokes the Contract Labour (Regulation and Abolition) Act, 1970,

Policy Highlights | Quick Analysis | Insights



Volume : 6, Issue-1 Date : 08-08-2017

Lead Essay

which included both private and government employers and called for abolishing contractualising labour for 'perennial' jobs. The Commission recommended that since "the Safai work is of perennial nature, contractors should not be encouraged to undertake such work." In some cases, the contractor further subcontracts the work, adding to the process several layers of employers, by which the distance between the workers and the principal employer increases. This, as the report noted, leads to neither the municipalities/corporations nor the contractors taking responsibility in cases of safai karamcharis dying during their work."

Road Ahead

The deaths of safai karamcharis highlight the failure of the institutional mechanisms to put into effect the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, a law which, if the government is seriously committed to the eradication of manual scavenging, needs to be implemented in toto. This is important since most of these deaths result from workers entering manholes and sewers without the essential safety equipments, which are guaranteed to them under the 2013 Act. The Act defines "hazardous cleaning" as manual cleaning of a sewer or septic tank by an employee "without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions." Any employer who fails to provide safety equipments to the worker is liable to be punished as per the provisions of the Act. Moreover, in a March 2014 judgment, the Supreme Court ruled that "if the practice of manual scavenging has to be brought to a close" so as to "prevent future generations from th[is] inhuman practice," then deaths occurring due to entering sewer lines without safety gears "should be made a crime even in emergency situations." The judgment thus extends the definition of manual scavenging to include workers entering sewer lines without safety equipments. It is hard, then, to miss the inextricable link between the implementation of the 2013 Act and the objective of the SBM to eradicate manual scavenging.

The success of the government's cleanliness campaign, thus, cannot be measured without assessing the living conditions of the safai karamcharis, who have constantly endeavoured to keep the nation *swachh* well before the SBM was announced. It is also important to recognise the social ecosystem of the sanitation work in India. Most safai karamcharis invariably are from the Scheduled Castes, with a large majority among them being women. Having been traditionally forced by the upper-castes into cleaning human excreta with bare hands, it is still members from the same oppressed castes who are employed by contractors, public sector undertakings and municipal corporations to manually clean drains and sewer lines, without any proper safety gears. In fact, as the NCSK has continued to point out, the "problem of manual scavenging is nowhere as acute as it is in the Railways." Also, last year in August, the Delhi State Legal Services Authority (DSLSA) presented a report to the Delhi High Court showing that a large number of manual scavengers in Delhi were employed by civic agencies themselves – including the DJB, MCDs, and the Railways."

It is imperative that the central and the state governments not only put to effect the provisions of the 2013 Act, but also revisit the recommendations of the NCSK and work towards their stringent implementation. There have earlier been suggestions of making the NCSK a quasi-judicial body, so that it does not remain an institution without teeth and can intervene into cases of violation of the 2013 Act. Government bodies should regularise all safai karamchari jobs, putting an end both to contractualisation and to the sanitation work being outsourced to private intermediaries, and providing all safai karamcharis with medical expenses, pensions, PF, gratuity and insurance facilities. More importantly, public investment should be focused upon two areas: first, modifying existing faecal sludge management systems through constructing toilets with piped-sewers, whereby the waste flows directly to an STP, thus preventing drains being clogged by excreta or the usage of 'boxed' septic tanks; and second, completely mechanising the process of cleaning drains and sewer lines, so that safai karamcharis don't have to enter the 'death-holes' in the first place. This is precisely what the government promised two years ago, when it launched its Atal Mission for Rejuvenation and Urban Transformation (AMRUT) – to construct decentralised, networked underground sewerage systems and to mechanise cleaning of sewers and septic tanks. Two years later, with the project still in limbo, the plight of the safai karamcharis has remained unchanged, if not worsened.

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Lead Essay

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Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Lead Essay

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Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Headlines

Will the government walk the talk for farmers?

(HS Sidhu, The Tribune, August 8, 2017)

The Punjab and Haryana High Court has indicted the Punjab government for failure to procure maize, oilseeds and other crops for which Minimum Support Price (MSP) is announced by the Centre after hearing a writ petition filed by the Bharatiya Kisan Union, Haryana. For the procurement pattern of Haryana, the court issued an advisory to the state to make necessary financial and administrative arrangements.

Read more:

http://www.tribuneindia.com/news/comment/will-the-government-walk-the-talk-for-farmers/448574.html

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Economy

Insolvency professionals for NPA cases rush to buy insurance for themselves

(Gopika Gopakumar, Livemint, August 8, 2017)

As the resolution process has been kicked off under the Insolvency and Bankruptcy Code (IBC), insolvency professionals are rushing to buy insurance to protect themselves. Insurance companies and brokers said the only glitch general insurers do not offer insurance for an insolvency practitioner and modalities are being worked out for at least 15 deals that are close to being finalized. Anup Dhingra, senior vice-president at Marsh India said "When we talk to different stakeholders, what we see is that the biggest hitch is not with the product or risk, but since rules in India expect individuals and not professional services firms to do this work, it's difficult to estimate what kind of claims are going to come, where the claims are going to come from and what is quantum of claims,"

Read more:

http://www.livemint.com/Industry/sdEpZMREbQxskysaXbStaP/Insolvency-professionals-for-NPA-cases-rush-to-buy-

insurance.html

Policy Highlights | Quick Analysis | Insights



Volume : 6, Issue-1 Date : 08-08-2017

Governance & Development

POLITICS AND GOVERNANCE

Cattle battle for Army

(Ajay Banerjee, The Tribune, August 8, 2017)

The cattle at the 39 military farms across the country of a specific high-yield variety meet 14 per cent of the 210 million litres of annual milk supply needed for the 1.3 million strong Army. The rest is procured through various coops. In 2013 after a meeting of Army Commanders, the decision to close down the military farms was taken. Between 2013 and 2015, 29 farms were to be shut and the remaining 10 were to be closed by 2017.

Read more: http://www.tribuneindia.com/news/nation/cattle-battle-for-army/448924.html

Date accessed: 08.08.2017

Aadhar needed for registration of death from October 1st

(The Indian Express, August 5, 2017)

The Union Government has announced that from 1st October onwards, application for a death certificate will require the deceased's aadhar number or enrolment ID. The government stated that this was introduced to prevent identity fraud as well as effectively recording the identity of the deceased person without multiple documents. This will apply to all states except Jammu and Kashmir, Assam and Meghalaya for which a separate date will be announced.

Read more: http://indianexpress.com/article/india/aadhaar-must-for-registration-of-death-from-october-1-4782668/

Date Accessed: 06.08.2017

GOVERNMENT

As job losses mount, BJP seeks to differentiate between employment creation and job generation

(Gaurav Vivek Bhatnagar, The Wire, July 31, 2017)

Coming under repeated attacks for job losses across sectors and its inability to stem the tide by creating an environment conducive for business growth and employment generation, the BJP has now taken to avoiding key questions and begun resorting to obfuscating the issue by trying to portray that job loss or creation and employment generation were two different things. A week back, on July 24, Dattatreya had given out almost the same data while sidestepping the question from Jitendra Chaudhary on "whether the government is aware of the apprehension raised from various quarters about increased job crisis in the country in near future" and "whether the government has taken note of firing of large number of employees in the private sector". All that the minister offered by way of an answer was that "employment generation has been one of the most important priorities of the government. Employment generation is both a cause and consequence of economic growth and is impacted by demographic shifts and technological transformations." He had again spoken about the QQS and the government schemes.

Read more: https://thewire.in/163359/job-loss-bjp-employment-creation-bandaru-dattatreya/

Date Accessed: 01.08.2017

SECURITY

Hacker shows cops how he got Aadhaar data

(The Times of India, July 6, 2017)

Abhinav Srivastava, prime accused in the Aadhaar data theft case disclosed the modus operandi he used to hack into the government website to access Aadhaar data. "He said the absence of Hypertext Transfer Protocol Secure (HTTPS) from the URL helped him hack into the e-hospital website. HTTPS is the secure version of HTTP (Hypertext Transfer Protocol)," a source said, adding, "All communications between the browser and the website were not encrypted. HTTPS is often used to protect highly confidential online transactions like banking and shopping order forms." Senior officials told Srivastava hacking into the server itself was a criminal act. "He's trying to convince us that he is not a hardcore criminal but that can only be decided after the investigation is over," a Central Crime Branch (CCB) sleuth said. We need to carefully examine the gadgets as they contain all the information of his activities," a CCB cop said. He allegedly hosted the Aadhaar e-KYC app on Google Playstore. Anyone clicking on it could gain access to Aadhaar data available on the server.

Read more: http://timesofindia.indiatimes.com/city/bengaluru/hacker-shows-cops-how-he-got-aadhaar-

data/articleshow/59936606.cms?utm_source=TOInewHP_TILwidget&utm_medium=ABtest&utm_campaign=TOInewHP_

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Governance & Development

EDUCATION

Skill, don't detain

(The Hindu, August 7, 2017)

Despite policy improvements, India's elementary education system has to contend with a significant dropout rate. In 2015, with government schools affected more, it was about 5% at the primary level and over 17% at the secondary level. Appearing as a bulwark against the various ills that prevent continued schooling of all children up to the secondary level, the Right of Children to Free and Compulsory Education Act became law in 2010.

Read more: http://www.thehindu.com/todays-paper/tp-opinion/skill-dont-detain/article19441331.ece

Date Accessed: 07.08.2017

TRANSPORT

Tamil Nadu loses Rs 4 lakh a day as 520 buses lie idle, unable to pay accident relief

(The Times of India, July 8, 2017)

Nearly 520 buses owned by state transport corporations (STCs) are lying idle at different locations, as they have all been impounded by courts for having failed to pay compensation to road accident victims which has resulted an operational loss of Rs 4 lakh a day for the corporations. Rs 70 crore was released for years 2010-17 for speedy and out-of-court settlements by the State Government. But, since the incidence of road accidents involving state-run buses are very high, the fund sanctioned by the state transport department would never be sufficient. A total of 4,771 buses in the state were lying impounded due to non-settlement of dues, prompting the comptroller of auditor-general (CAG) to submit a damning report last year. "Interestingly, none of the 22,000 odd buses owned by STUs (except AC buses) have insurance policy to cover third party risks, said accident cases specialist and advocate V S Suresh. "Karnataka has proper insurance for all its state-run buses," he said, adding that at least sums ranging from Rs 5 to 10 could be collected from passengers using long distance services, just as some private buses do".

Read more:

 $\underline{\text{http://timesofindia.indiatimes.com/city/chennai/tamil-nadu-loses-rs-4-lakh-a-day-as-520-buses-lie-idle-unable-to-pay-accident-relief/articleshow/59963339.cms}$

Date Accessed: 08.08.2017

ENVIRONMENT

In numbers: How waste is usurping Ganga

(The Hindu, August 4, 2017)

Post the July 2017 NGT judgment on declaring 100 meters from the edge of the Ganga as a no development zone, the National Mission for Clean Ganga has now approved of 26 projects worth Rs 2154.28 crore under the Centre's Namami Ganga Programme. However the set deadline of 2018 looks improbable. 80% of the sewage in Ganga is estimated to be untreated which includes toxic waste from hospitals, chemical plants, distilleries etc along its banks.

Read more: http://www.thehindu.com/news/national/in-numbers-how-waste-is-usurping-ganga/article19429749.ece

Date Accessed: 05.08.2017

LAW AND JUSTICE

Centre to form tribunal on Mahanadi water dispute

(The Indian Express, August 6, 2017)

As a response to Odisha's long time demand for the creation of a tribunal for the purpose of resolving disputes arising over sharing of water, the government has finally decided to set up a tribunal for water sharing between Chattisgarh and Odisha. The decision also comes in the light of the construction of barrages upstream by Chattisgarh which would affect drinking water and irrigation in Odisha. However delays by these tribunals are imminent and the Centre last year had decided to set up a single water dispute tribunal for all water sharing disputes. A bill regarding the same was also presented in the Lok Sabha this year.

Read more: http://www.indiapress.org/gen/news.php/Indian Express/400x60/0

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

Society

GENDER

Indian Airlines launches program to protect its solo female fliers

(The Huffington Post, August 3, 2017)

Two groping incidents on flights have prompted Vistara Airlines and Air India to change their policies and take special measures for assistance of women travelling alone. Women travelling solo will not be allotted middle seats unless a request has been made for it according to the new Vistara policy. Air India has a reserved 6 seats for its women passengers. This initiative has garnered mixed responses with some criticising that isolation of women instead of penalising the offenders sends out the wrong message.

Read more: http://www.huffingtonpost.in/2017/08/01/indian-airline-launches-program-to-protect-its-solo-female-

flier a 23060629/?utm hp ref=in-news

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1 Date: 08-08-2017

India and World

INDIA IN THE WORLD

Pressure on Nepal over Doklam standoff

(Kallol Bhattacherjee, The Hindu, August 5, 2017)

The pressure on Nepal to take a stand in the Doklam issue has increased in the light of the Nepalese Prime Minister's visit to India followed by the Chinese Vice Premier's visit to Kathmandu. These visits will also highlight Nepal's position on bilateral issues between New Delhi and Beijing. The Nepali Prime Minister's visit will be preceded by External Affairs Minister Sushma Swaraj's visit to Kathmandu to participate in the 15th meeting of foreign ministers on BIMSTEC to be held on 10th August, which will also have a bilateral aspect with other leaders.

Read more: http://www.thehindu.com/news/national/pressure-on-nepal-over-doklam-standoff/article19439925.ece

Policy Highlights | Quick Analysis | Insights



Volume: 6, Issue-1x Date: 08-08-2017

Opinions/Books

OPINIONS

A field of her own

(Tarani Mohan, The Indian Express, August 4, 2017)

"The reality is the Indian agricultural landscape is fast being feminised. Despite the hard labour in the field, women are not officially counted as farmers, and are either labelled "agricultural labourers" or "cultivators". This is because the government does not recognise as farmers those who do not have a claim to land under their name in official records".

Read more: http://indianexpress.com/article/opinion/columns/indian-women-farmers-agriculture-sector-patriarchy-land-ownership-4781311/

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