



# The Public Newsense

OCTOBER- DECEMBER 2015

Private Circulation Only

## TRUSTEES

Sriram Panchu  
Tara Murali  
Arjun Rajagopalan  
Suchitra Ramakumar  
R. Hema  
George S. Thomas  
C. Rammanohar Reddy

## ADVISORS

N.L. Rajah  
Nithya Raman  
Keshav Desiraju

## CAG TEAM

Om Prakash Singh  
S. Saroja  
Avni Rastogi  
Satyarupa Shekhar  
Prabu Raja  
Amudha Vijayakumar  
K. Vishnu Mohan Rao  
Harsha Anantharaman  
Vijay Senthil Kumar  
Pradeepan Ravi  
Jacintha Chitra  
Madonna Thomas  
Prasanna Sugumaran  
Poornima Chandran  
Emmanuel P

## From the editor

Dear friends,

**W**ish you all a very happy and prosperous 2016! I am pleased to present the newsletter for the last quarter of year 2015. The months of November and December were exceptionally tough for our fellow citizens living in Chennai and Cuddalore. While for most, life is back to normal, for some the struggle continues. The CAG team had been involved in relief efforts as an immediate response to the floods in Chennai. Thereafter we have focussed on the legal and policy aspects of the state's role in relief, rehabilitation, planning and enforcement, and are working towards highlighting violations of plans, building norms, and the natural ecology, especially water bodies which were contributors to the disaster. We are also mapping vacant lands in Chennai to highlight the availability of land to the Government departments which can be used for construction of low cost housing for the urban poor, especially those who are living in disaster prone areas.

Apart from our continued focus on consumer protection, building awareness on the Environment Impact Assessment (EIA) process and research on urban

governance and open data, the last quarter saw the beginning of a few key initiatives and partnerships.

We started work on advocating for a strong Road Transport and Safety Bill. The bill aims to provide a scientifically planned and evolving framework for the safety of all road users in India, including vulnerable road users, thereby reducing fatalities on Indian roads which are among the highest in the world today. The project Transport Governance Initiative (TGI) aims to study the transport policies in three cities in Tamilnadu and map the factors influencing their formulation. In the new phase, Tamilnadu Electricity Governance Initiative (TEGI) is focussing on understanding the different aspects of Demand Side Management (DSM) and using the DSM data for better capacity planning at the TNEB.

We have stepped into the new year with confidence that comes from the strong base that has been established over the last 30 years. We hope to achieve our objectives set forth for this year and move a few steps forward towards fulfilment of our mission!

Sincerely,  
Om Prakash

## The real toll on India's roads

**I**ndia's abysmal record in road safety is common knowledge. Everyone tsk-tsk over their compatriots lack of road sense and the lack of enforcement of rules. Yet it is taken as one of those things that we must just learn to live with. Rarely do we stop to think what our lack of good

road behaviour costs us as a society.

According to the statistics of the National Crime Records Bureau, deaths due to road accidents have increased by 2.9% in 2014. That translates to 141,526 more deaths in 2014 than in previous years. The total cost of

road accidents (economic and social) is estimated to be 3 per cent of the GDP. Most of this is avoidable. The World Health Organization's (WHO) report on Global Status Report on Road Safety, 2015 provides a litany of issues that need to be fixed in low and middle income countries (India falls under the latter category), before things will improve.

The lacunae include:

**Weak legislation:** While some safety norms are in place (such as wearing seat belts in cars is mandatory, as is wearing helmets while riding a two-wheeler), there are many areas in which norms are lacking. For example, restraints for children in cars are not required in India.

**Weak enforcement:** Even the legislation in place is variably enforced. There are occasional drives on specific norms – wearing helmets/seatbelts, drunk-driving, etc. WHO's India profile, for example, rates enforcement of the drunk-driving law at a measly 4 (max of 10).

**Road design:** While road design is supposed to be scientifically carried out, often political and other exigencies cause roads to be badly designed. Highways, for example, often have sharp, blind curves or go through villages, increasing the chances of accidents. Similarly urban roads are often unplanned, leaving little room for managing growing traffic by separating vulnerable road users (pedestrians, cyclists) from high speed traffic. Considering that pedestrians, cyclists and motorcyclists make up 49% of road fatalities globally, this should be a particular focus of road design and urban planning.

**Road user behaviour:** As mentioned before, India is known for its terrible road user behaviour. While there have been attempts (both carrot and stick approaches) to reform such behaviour, they have usually been sporadic and largely unsuccessful.

**Vehicle standards:** International automobile standards are adopted piecemeal. In India, automobiles are not required to be fitted with airbags or to pass crash tests.

**Data quality:** Data on road accident fatalities is collected to some extent but non-fatal injuries are often not reported.

In 2014, the Government of India introduced a Road Transport and Safety Bill that aims to plug these holes in road safety policy and management in the country. The Bill (which has now gone through several versions) seeks to drastically increase penalties through various means – increased fines, a point system that culminates in suspension of the driving licence, remedial training and imprisonment.

The bill draws from best practices around the world, creating a unified licensing and registration system and a national authority for road safety and transport, and a greater use of technology to enforce road legislation. The question of course is how well it can and will be implemented (if the bill is passed).

CAG has begun working on road safety issues in Tamil Nadu, Kerala, and Karnataka, talking to various stakeholders (government, industry, labour unions, etc) to understand their position on the bill and to see how the bill can be strengthened.

## NCDRC's yet another consumer-friendly decision

The National Consumer Disputes Redressal Commission (NCDRC), in a significant decision, has held that investors and depositors have a right to seek compensation under the Consumer Protection Act in case of defaults from a financial establishment. The Apex Consumer Commission has asked Nagpur-based Shivaji Estate Livestock And Farms Pvt Ltd to refund 10% of the money invested along with a 9% interest from date of filing the complaint and Rs1,000/- as cost of litigation to the complainant.

The NCDRC judgement ratifies a financial consumer's right to seek compensation for a fraudulent default on part of a financial establishment. A Bench of Justice V K Jain and Dr B C Gupta, said, "It would be seen from a perusal of the provisions contained in Maharashtra Protection of

Interest of Depositors (MPID) Act that the designated court has no power to grant compensation to a person who is a victim of the fraudulent default on the part of a financial establishment. Therefore, it would be difficult to say that the said MPID Act provides an adequate redressal of the grievances of a person who suffers on account of the fraudulent default on the part of a Financial Establishment, where such defaults also constitutes deficiency in the services rendered by a service provider to its consumer".

The Commission also observed that the remedy before a consumer forum is primarily a civil remedy, whereas the prosecution before and conviction by a designated court constituted under MPID Act is a criminal remedy available to the victim of a fraudulent default on the part of a Financial Establishment. In this case, the complainants,

Pratibha Adelkar and 372 others were represented by Adv Shirish Deshpande of the Mumbai Grahak Panchayat.

Shivaji Estate Livestock invited investors to invest in its goat farming and allied activities by purchasing units of several schemes floated by it. In its brochure, Shivaji Estate Livestock said it has arranged about 500 goats in each goat shed with 25-50 such shed in each rearing centre, 100% of the livestock would be insured with a 100% guarantee of the invested amount. The company also told investors that they would have a hypothetical charge on 1,000 sq ft of land of Shivaji Estate Livestock and a one time investment would offer consistent benefit for 15

years. Experienced vets and professionals were to look after livestock. The company also assured a minimum expected return on the investment and if targets were achieved, investors were also promised an additional bonus. There was also provision for pre-mature withdrawals at 45 days' notice.

Shivaji Estate Livestock paid some initial instalments due the investors but later, did not fulfil the terms. When the investors applied for pre-mature withdrawals, the company failed to honour its commitment. NCDRC's redressal has been a heartening response to financial malpractices and will hopefully go some way towards curtailing this in the future.

## Exposed! Chennai's filthy secrets laid bare by the flood

**T**hat matter can neither be created nor destroyed is among the cardinal and most basic principles of physics. It is remarkable therefore that the engineers (in so many ways the intellectual heirs of physics) who design and run India's Solid Waste Management (SWM) systems have operated in blatant disregard of this law for decades.

Indeed, Chennai and many other Indian megacities continue to have their conception and execution of SWM largely governed by the "out of sight, out of mind" attitude that characterises the individual and household approach to SWM. Words like "garbage" and "waste" continue to be thrown around like they actually mean something, when the all too apparent fact is that these are simply human constructions. The fact is that *there is no such thing as waste*; there are only materials, pre-consumption and post-consumption, and these materials never really go away...

The recent floods in Chennai have thrown this (among a great many other distressing aspects of our city's reality) into sharp relief. The flood-waters in Chennai have now receded and in their wake are a number of uncomfortable realities facing the city. It would be easy to exceptionalize the floods and the problems it created, but in truth, this would amount to a fundamental misreading of the situation<sup>1</sup>. The floods were, as many have suggested the result of years of urban mis-management ranging from indiscriminate building practices to non-existent water-body management.

The floods therefore did not so much "create" problems as magnify and expose them. One such problem that reintroduced itself to Chennai with renewed vigour during and after the floods is the city's long standing garbage issue. The way the city (mis) manages its' waste has contributed directly to the

incidence and intensity of the flooding last month and these in turn have laid bare the extent of the problem.

For one, it is news to absolutely no one that many of Chennai's drains and water-ways are clogged with years of accumulated garbage. It came as a surprise to few therefore that in many areas, the waters failed to recede into the drains that were laid specifically for this purpose. The river systems that run through the city fare little better in normal times and during the floods became an express delivery system, depositing tons of garbage and sewage in the sea as they swelled in the unceasing rain.



Among the most striking images to come out of Chennai's recent trauma were the widely circulated photographs of the sea spewing incalculable tonnes of discarded materials and sewage back on to the city's beaches. This represents an almost too delicious irony, for, for years; beaches have been at the centre of well intentioned but ultimately pointless "clean-up" efforts. That the sea should remind us that simply shifting waste does not in any way account for it, is only fitting.

It would be easy to categorise something as striking

<sup>1</sup> Jayaraman, Nityanand; Scroll.in: <http://scroll.in/article/769928/chennai-floods-are-not-a-natural-disaster-theyve-been-created-by-unrestrained-construction>

as black waves as a once-in-hundred-years exception but the reality is that the immediate post-flood scenario is a much more accurate reflection of what Chennai *should* look like. Indeed, it is only economic and political iniquity that dictates that it is OK for a city like Chennai to dump its trash in peri-urban or rural areas, condemning both human as well as non-human ecologies in these areas to dealing with contaminated air, water and land. The destructive effects that unsanitary dumping of mixed waste on communities and ecosystems is so apparent now that the Corporation of Chennai will likely face concerted opposition anywhere they go to try and replace their current sites, fast approaching capacity.

The (SWM relevant) aftermath of the floods also exposed the regressive and oppressive social side of how we still conceive of waste and waste-work. It is commonly known that hundreds of workers, belonging to the Arundhatiyar (and presumably other Scheduled Caste groups) were bussed in to the city from all over the state to grapple with the

unimaginably difficult task at hand<sup>2</sup>. This is indicative of what anyone who is paying attention already knows, that caste and class are still heavily implicated in contemporary urban service provision in Chennai (and India). That these workers were reportedly underpaid and ill-equipped is again typical of the treatment handed out to labourers engaged in SMW work. The immense challenge of cleaning up the city after the floods, while necessary and urgent, will buy the city and its administrators some time but the danger is that it will facilitate a return to business as usual, something that Chennai can scarcely afford.

In conclusion, it is apparent that waste and the Chennai floods are closely linked, and on multiple levels. A continued failure to learn the lessons that this experience has assaulted the city with could well prove extraordinarily damaging to a city that is teetering on the brink of an SWM crisis.

<sup>2</sup> Mondai, Sudipta; Times, The Hindustan: <http://www.hindustantimes.com/analysis/flooded-chennai-s-dirty-secret-dalits-clean-rotting-mess/story-nyqoydzM32dnCoR9C1wZQI.html>

## When the poor have no voice - reflections from the proceedings of a case related to the restoration of waterways in Chennai

The three waterways in Chennai namely Cooum, Adyar, and Buckingham Canal and their banks may have become notorious for the stench and filth that they carry but they are home to thousands of working-class men and women who made this city what it is today. The failure of the government to address the housing needs of the poor working class have led them to design and construct houses for themselves near the river banks. The Chennai Rivers Restoration Trust (CRRT), a trust under the Government of Tamil Nadu, is assigned the task of cleaning Chennai's rivers and responsible for the implementation of the Cooum River Eco-Restoration project.

The community outreach team at CAG did a thorough perusal of the publicly available project



Ezhil Nagar, one of the resettlement colonies where people affected by the project are proposed to be relocated; these remain in a state of neglect and official apathy.

documentation and realised that more than focus on cleaning the waterway, the project was an excuse to remove the slums to develop the riverfront. As per the action plan 14,200 households from 58 slums located on the Cooum river banks have been identified for relocation to slum board tenements located in distant places like Ezhil Nagar and Perumbakkam where access to livelihood and other basic facilities are admittedly inadequate.

During our research, we learnt about an on-going case at the Southern Bench of the National Green Tribunal (NGT) in Chennai. This particular case was filed by a resident of Purasawakkam, Edwin Wilson in 2014, seeking directions from the NGT for the restoration of all waterways in Chennai and particularly Cooum. In its response, the government submitted that they are serious about cleaning the waterways and the project to clean the Cooum is underway through the CRRT. This paved the way for the NGT to closely monitor the Cooum project and its implementation.

We attended the NGT case on three occasions – 9th September, 18th November and 22nd December 2015. During the proceedings government agencies like CRRT, Tamil Nadu Pollution Control Board (TNPCB) and the 3 industries identified as polluters of the waterways dilly-dallied on issues that concerned

checking pollution in the waterways. There were instances where the bench issued repeated warnings to the TNPCB for its apparent lack of will to take action on the industries that discharged effluents into Cooum. It was only because of the uncompromising resolve of the bench, that the TNPCB filed a report indicting Madras Fertilizers, one of the three industries identified for polluting Cooum, for not complying with environmental standards. Based on the report the bench passed an order suspending all commercial operations of Madras



Foaming and coloured effluents flowing into the Cooum in Paruthipattu; indiscriminate discharge of sewage and industrial effluents is rampant all along the river.

Fertilizers until they are in compliance. At another point the bench pulled up the CRRT for its submission that identified only 15 sewage outlets along the Cooum and that it could not complete the inspection owing to objections from slum dwellers. The bench refused to entertain a request from CRRT seeking a direction from NGT to remove all slums along the Cooum banks saying that it is the duty of the government to remove all encroachments "as per law".

The lack of representation from the slum dwellers has allowed the government to blame them for pollution of waterways, implying that clearing all the slums is the only way to prevent pollution. As a project which will have a direct adverse impact on the lives and livelihoods of thousands of slum dwellers, it is very unfortunate that so far they have had no voice before the NGT. It was only in the latest hearing that Penn Thozhilalar Sangam, an unorganised women workers' union, informed the bench that they would implead on behalf of two slums near Cooum, the MGR Colony and Om Shakthi Nagar. Let's hope that this will get the slum residents a fair hearing, while also exposing the government's double standards.

## CAG's comments to the task force on Financial Redress Agency

The central government, in seeking to modernise India's financial regulatory system is in the process of establishing a Financial Redress Agency (FRA). An integral part of the Indian Financial Code, the agency will work to redress the grievances of retail financial consumers.

In this regard, the government set up a task force to operationalize the FRA to analyze the present grievance redress systems in India, the manner of

their implementation and the issues, if any, faced by consumers in the process, sought comments from diverse stake holders, including CAG.

CAG submitted its views highlighting the need for an in-built redress mechanism, time bound redressal, transparency, addressing issues related to credit information companies and the dire need for a robust system - a separate committee - to deal with complaints against defaulters.

## Shifting gears from private to public transport: the potential role of information

To commute door-to-door using public transport, it would be necessary to know about the various modes of formal and informal transit services in operation in the city, including knowing where they operate, the connections with each other, stops, fares and times. It is in this context that we set out to create a transport data portal that would enable commuters access this information to make informed choices of modes of transport. To start with, we reviewed eight data portals that were either exclusively for transport or had a section of a portal

dedicated to transport:

- 1) **The Global Forest Watch (GFW)** is an interactive forest monitoring system that gives people information about forest landscapes.
- 2) **The World Bank** portal is a global analysis and visualisation tool that contains collections of time series data on a variety of topics.
- 3) **The Ministry of Transport, Water Supply and**

**Communication portal (MTWSC), Zambia** is the national portal of Zambia that has data on railways, airport performance, road transport and safety and communications.

**4) Govdata.de** is the open data portal for Germany.

**5) The Utah Department of Transportation (UDoT)** developed a state-level portal to monitor and manage its services and sub departments.

**6) The OpenGov NSW** portal provides access to datasets and archival records of the Australian state of New South Wales.

**7) The NYC Open Data** portal publishes data generated by New York City agencies and offers access to a repository of government-produced, machine-readable data sets.

**8) Buenos Aires Data** publishes city-level data for Buenos Aires.

We considered Global Forest Watch, World Bank, UDoT, NYC Open Data and Buenos Aires Data to be data-rich portals since they exist in the context of an open data policy and there is exchange of information between government agencies and users. By contrast, MTWSC, Govdata and OpenGov NSW were data-poor portals, where either data is not publicly available or the government shares only partial data sets. There could also be a possibility that the data does not exist and needs to be created from scratch.

We examined the portals in terms of data collection, storage, publication, dissemination and usability.

**Collection:** We considered the sources of data and types of data collected, an important aspect of any data repository. With the exception of GFW, which received inputs from researchers, journalists and civil society, all portals received their supply from the government. All the portals had basic datasets and analyses.

**Storage:** This attribute describes the various formats in which the data is available in and where it is stored. All portals stored spreadsheets while data rich portals like

GFW, World Bank, NYC and Buenos Aires Data also had images and geo referenced formats.

**Publishing:** The terms of access, particularly licenses, are important because they determine the way data can be used. The creative commons license which is widely accepted in the open data world was found on GFW, World Bank, Govdata and Buenos Aires Data but the remaining four portals did not mention details related to their license.

**Dissemination:** This attribute explains how a user can access the data. All eight portals allowed data to be accessed from the web browser, but data from GFW, World Bank, MTWSC, Govdata and Buenos Aires could also be accessed through mobile apps. Governments, educational institutions, civil society and technical experts were the audience for all eight portals but GFW, NYC and Buenos Aires Data were the only portals that also catered to the general public.

**Usability:** We examined the portals for ease of access of data and the way the portal was organised. NYC, GFW and Buenos Aires Data portals are well-organised and easy to navigate. The GFW portal incorporates data analysing features with a map and links to documents. The World Bank, Govdata and OpenGov NSW portals are not very user friendly and would only support an audience with technical expertise. MTWSC and UDoT have simple and easy interfaces, but the portals are still being developed.

Through the review we understand that a successful portal should appeal to a variety of users. In addition to being easy to navigate, it should make data available in various machine readable formats, be accessible without any prior registration and follow open data principles. Significantly, we found that the portals did not include information on informal public transport, something that constitutes a significant share of total transport services in most Indian cities. We have been working on creating methodologies to create data about the informal, with particular reference to transport services. In our next newsletter we will share more about the data collection methodologies used in the portals, and the implications for our work on documenting informal transport services in Chennai.

## Celebrating 30 years of service and civic action

The 10th of October 2015 was a day like any other for the most part of Chennai. However, for the group that were about to meet at the Anna Institute of Management, the day was the culmination of more than three decades spent in

defending, promoting and upholding good governance in various important, contemporary issues. About 500 participants gathered at the venue on leafy and quiet Greenways Road. Mr Sriram Panchu, Founding Trustee of CAG, gave the first

inaugural address, charting the growth and the life of the organisation. Justice S Muralidhar, stressed that transparency and accountability were the need of the hour. The tide of public opinion can swing the government but how reliable is public opinion? Most corporates mask their questionable activities with lofty ideals promoted through their own trusts and foundations. Is it possible any longer for the public to tell foe from friend? Political parties controlling media is another disturbing kettle of fish. He reminded the audience that the key to sustainable development is one where the needs of the poor and the vulnerable are given due attention along with the overarching awareness that the world and its resources are finite.



Justice Muralidhar giving the inaugural address

After the inaugural session, participants had the chance to walk through a display of photographs and infographics showing how the Cooum river is being polluted by several notable institutional, commercial and industrial entities. The photo-documentation is a part of CAG's research to challenge the claim that slums are the primary polluters of the river.

This was followed by two parallel panel discussions. The discussion on **'Corporate Consumer Responsibility'** featured a wide range of speakers and topics. Some eye opening essentials on the regulation of financial services were described by Mr. Rajah while Dr. George Thomas reiterated the pitfalls in privatisation of the medical industry. Mr. Santharajan, Consumer Association of India, led a thought provoking discussion on the food sector. Humour and research clearly brought home the message that it does not pay to be an ignorant consumer.

In the discussion on **'Smart Citizenship and the challenges of a digital world'**, the panellists deliberated on both the need for open data but equally importantly, the need for checks and balances to reign in information injustices. David Sadoway began by questioning what might the daily practices of a neighborhood's residents have to do with infrastructure programs or projects, and in what geo-political, socio-economic and ecological contexts can these anonymous subjects be situated. Dr. Vijay Pingale, Tara Murali and Saravanan Kasi narrated incidents where information asymmetries were a major obstacle to planning, transparency

and accountability, with the onus of creating data for public participation falling on citizens. Government agencies increasingly outsource project planning and execution to consultants, many of whom do not have crucial knowledge about the local context and are often beyond the reach of public accountability. Nisha Thompson concluded by emphasising the need to exercise caution when collecting and storing data, suggesting that only necessary data should be collected and stored only for a finite amount of time.

The afternoon session had two more parallel sessions. In **'Mitigating climate change – can business lead the way?'** Mr. S. Karthikeyan gave an inspiring talk on Sohrabji Godrej Green Business Centre, Hyderabad. With its over 50 features of environmental friendly practices water management and recycling and renewal of energy processes, this building has become India's mascot of green businesses. Ms. Bhargavi Rao highlighted our efforts to mitigate the effects of agricultural greenhouse gases and the need to promote the use of solar energy as a greener substitute.

The panel **'Is the Sabarmati river-front development model suitable for Chennai?'** was a timely discussion, as the Cooum clean-up rises to the forefront of Chennai's development. While Mr. P T Krishnan cautioned against a cosmetic clean-up, Mr. Vishwanathan of the Cooum River Restoration Trust emphasised that the project was rightly viewed as an eco-restoration project and not a river-front development. He reiterated that earning revenue from the project was not a factor in determining the scope or direction of its development. Dr. Renu Desai asserted that the Sabarmati river-front model should never be considered as a suitable model of development for any river at all. She highlighted the lack of transparency and public participation around the project and the large scale displacement of communities residing along the banks, only a fraction of whom have been resettled and rehabilitated. Mr. Ravindran echoed these sentiments, indicating that in the Sabarmati development, it was not ecology or the residents that drove the project but the financial returns it offered.

The day concluded with the Founder's Day lecture by Mr. Prashant Bushan. Charting the rise of corruption and public attitude to political mismanagement, it was a challenging and thought provoking talk. The day was a fitting celebration to thirty years in public service of a small group of determined and civic minded people who have sometimes wrought change but also as needed, fought change by

*If you would like to hear Mr. Prashant Bushan's speech in full, please follow the link below:*

*<https://www.youtube.com/watch?v=Evh3xk1N72U>*

## “No pesticides on my plate!”

CAG, in association with Consumers' International, was involved in a campaign to create awareness about the harmful effects of pesticides in food and thus encourage consumers and farmers to go organic.

A survey of regular and organic farmers in order to evaluate their use of pesticides on various crops,



Chennai rally

type of pesticides used, presumed impact on their health- if any, reasons for not choosing to go organic, experience with organic farming and expectations from government was conducted in Thiruvannamalai district.

Following this, an interface between farmers and the Government was organized where the findings of the survey were presented. Pamphlets on the harmful effects of pesticides were printed in regional language and distributed to the participants. Based on the interactions and the farmers' expectations, recommendations were submitted to the Tamil Nadu government. In addition, a slogan competition and a couple of rallies on the theme “No pesticides on our plates” were held in order to educate and encourage consumers to say no to pesticides in food.



No. 9/5, II Street, Padmanabha Nagar, Adyar, Chennai 600 020

Telephone : +91-44-2446 0387 / 2491 4358

E-mail : [helpdesk@cag.org.in](mailto:helpdesk@cag.org.in) | Website : [www.cag.org.in](http://www.cag.org.in)

<https://www.facebook.com/CAGChennai>