The Public Newsense

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July-September 2016

From the Executive Director

Dear Friends,

It is my pleasure to present the third newsletter of this year. The quarter started on a high note with a rally on road safety with about 600 participating students. The work on advocating for a strong road safety legislation got a boost with the introduction of the Motor Vehicle (Amendment) Bill, 2016 in the Lok Sabha. The team is also curating a curriculum for taking road safety lessons to colleges in Chennai.

In July, we began data collection by interviewing and observing informal waste workers. In the Thermal Watch initiative, we are looking into the relationship between thermal power plants and socio-economic development. To start with, we have begun collecting data on certain indicators from households living around thermal power plants.

This has been another busy quarter at the Madhavaram Truck Terminal and we have organised several puppet shows and street plays to influence behaviour change on these issues. In August, after a successful pilot, we increased the scope for door to door collection of segregated waste, and have also begun composting of organic waste within the premises, thanks to permission from the Corporation of Chennai.

In September, we hosted a series of workshops on electricity governance in Tamil Nadu, with the media, small industries, consumer organisations and residential welfare associations. Continuing on our work on safe food and sustainable farming methods, we are executing a short project that aims to encourage and educate farmers and students on the importance and ease of organic farming, kitchen gardening practices that can ease them into a transition to safe, organic food.

This quarter we initiated two short research studies: one explores the role of trust in urban service delivery and the other on the privatisation of water, with particular reference to Nagpur city. In this issue of the Public Newsense, we discuss some of our thoughts on these topics and present insights from other ongoing projects, that we believe support our efforts to improve transparency and increase citizens' awareness in important governance issues.

Sincerely,
Om Prakash Singh

Can water be for sale?

Water is being increasingly viewed as a commodity rather than a natural resource. The Dublin Principles, 1992[1] state that "Water has an economic value in all its competing uses and should be recognized as an economic good", which implies that appropriate pricing would lead to less wastage of water. This is largely the rationale behind ther pricing of water.

The term privatization by definition[2] refers to "transfer of ownership and control of government or state assets, firms and operations to private investors. Broadly used, the term privatization includes other

policies such as contracting out, the process by which, activities while publicly organized and financed are carried out by private sector companies." Privatization has been seen as a cure to improve efficiency in delivery of public services which Urban Local Bodies (ULBs), are deemed as lacking in institutional capacity to meet - for example, solid waste management.

While private sector involvement has been prevalent in the water utilities for sometime now, either through contracting the execution of civil works or more recently in the build, operation and maintenance of water/waste water treatment plants, the area that has gained prominence more recently, has been their involvement in distribution of water, metering and then, recovery of water charges.

Water is a state subject in India. Respective state governments have therefore undertaken reforms in their water acts/policies to support private participation. In most cases this partnership is mandated as part of funding arrangements under international financial institutions or national sponsorship schemes. While there are many routes to privatisation, the setting up of separate entities such as Special Purpose Vehicles (SPV) under the State/ULB's authority is considered a first step towards privatisation. These entities, in turn enter into contracts with private firms, the type of agreement being dependent on the scope of work along with specific terms and conditions. Ideally, a pilot is conducted for a sub-area to evaluate the feasibility

of private participation before a long term agreement is signed.

Historically, water pricing in India has been a tricky political issue resulting in large scale subsidisation of water charges. Prior to privatisation, several cities and towns did not have volumetric billing and were either charged a paltry sum or did not pay for the service at all. With privatisation, the corresponding increase in charges, sometimes multifold, resulted in several neighbourhoods reverting to alternate sources such as borewells for meeting their water requirements. A scenario such as this typically results in private operators opting to only serve neighborhoods where they stand to recover the water charges.

This raises the question on whether water privatization schemes were designed to account for social equity including principles such as the fundamental Right to Water derived from the Right to Life under Article 21 of the Constitution of India. Therefore, it is imperative that water privatization schemes are introduced with appropriate service delivery clauses. It also needs an independent regulatory framework that oversees water tariff and addresses equity issues while improving efficiency and reducing losses in water supply and distribution.

[1] http://www.wmo.int/pages/prog/hwrp/documents/ english/icwe dece.html
[2] Glossary of Industrial Organisation Economics and Competition Law, compiled by R. S. Khemani and D. M. Shapiro, commissioned by the Directorate for Financial, Fiscaland Enterprise Affairs, OECD, 1993.http://www.oecd.org/regreform/sectors/2376087.pdf

Trailing the "waste"

For anyone living in Chennai, holding one's breathe for few seconds while waiting at red lights behind the kuppai lorry(garbage truck) or the sudden hopping and rushing while walking on the road because of the stench from the dumpster is something most of us relate to. It is one of the most easily visible problems of waste management in the city; in fact, of most Indian cities. Overflowing dumpsters, non-segregated waste and lack of policy and administrative procedures to deal with waste are all tips of the garbage iceberg which almost every Indian city is trying to grapple with. Against this context, informal systems and actors are gaining more visibility and importance for their efficient ways of diverting thousands of tons of waste each day from India's landfills.

The newly issued Solid Waste Management (SWM) Rules, 2016 instructs local bodies to register and integrate waste-pickers as part of SWM systems, highlighting their central role in helping to establish

low-cost, low-carbon waste management models.However, both policy and systems reforms are severely handicapped by the lack of reliable data. The scope, constituents and value chains of informal waste economy are little unexplored within the Chennai context. For a holistic and sustainable urban waste management solution it is essential that interventions are informed by the needs of actors involved in the waste cycle. The lack of data on the informal sector has also abetted the perpetuation of exploitative relationships, labour and environmental abuses within sections of the informal network. Hence, understanding the needs and capabilities of waste-pickers as well as the scope and layout of the informal network as a whole becomes quintessential.

Following on from CAG's previous work with informal waste pickers in the ID card initiative, this project attempts to understand the human and economic aspects of the informal actors involved in the entire

waste ecosystem. In the first phase of the research we attempt to gain insights into two components: firstly, the sociological aspects of waste picking as a livelihood in Chennai and second, to understand the transactions of waste from informal waste pickers to waste aggregators (kabadiwallahs/ paper edukuranvanga / scrap shops.

The study started in the month of April and only a few months into the research, we realised how little we knew about these invisible communities in Chennai. Capturing the narratives of different social groups involved in the waste chain has helped us enhance our existing knowledge of the informal waste cycle. It has been a satisfying, albeit extremely challenging, explorative experience to identify different settlements of waste pickers and establish trust with them. The study followed a mix of ethnographic labour where we shadowed the waste pickers during their work complementing with semi-structured interviews and focus group discussions. Our interactions were mainly with the waste picking community in Thiruvanmiyur and Kodungaiyur. The time we spent with the communities threw light on the intricacies of the informal network and efficiency of the informal waste sector. Each item of waste thrown out of the house, employs the agencies of at least 5-6 different social groups before it reaches the recyclers. The engagement also exposed the vulnerabilities waste pickers face in terms of resources, power dynamics in waste ecosystem pyramid and within the waste pickers.

We now have a basic understanding of these networks of waste pickers, their everyday economy and their personal family histories, in some cases. Our future aims for the study is to gain a more thorough understanding of the different communities involved in waste picking and the economics of the waste for Chennai city. This will fill in a vital gap in existing public knowledge regarding waste pickers. The long term aim is that such information will help us strategize necessary interventions.

Will the Motor Vehicle (Amendment) Bill 2016 make our roads safer?

In August 2016, amendments to the 1988 Motor Vehicles Act, drafted out of suggestions from the Empowered Group of Ministers (EGoM) were finally tabled in Parliament. The amendments cover a range of issues, many of which were also described in the Road Transport and Safety Bill (RTSB). Unlike the RTSB, however, the amendments do not touch upon transport aspects such as collection and sharing of revenues and the powers of the Centre and state vis-a-vis revenue.

The amendments, if passed, will allow for online procedures for licence application, renewal, etc; set procedures for recall of defective vehicles; protect Good Samaritans; and cap the insurer's liability to a maximum of Rs 10 lakhs in the case of a fatality and a maximum of Rs 5 lakhs for grievous injury.In terms of improving road safety, the amendments, in addition to providing mechanisms for putting in place electronic monitoring (camera traps, speed cameras, closed circuit television) for enforcement of road rules, will hike penalties for a slew of violations. This will hopefully act as a deterrent to errant behaviour. The changes in terms of road safety are:

Speeding
• Penalty has been increased from Rs 400 (for first offence) to Rs 1000 2000 for LMVs, Rs 2000 4000 for HMVs and passenger vehicles;
• Subsequent offences will now result in disqualification of the licence as opposed to the earlier fine of Rs 1000;
• Once the licence is suspended or revoked for speeding, a driving refresher course will have to be completed before the licence is reinstated.

Dangerous driving
• Defines dangerous driving as violating the stop line, jumping a red light, using phones while driving, passing/overtaking illegally, driving against the traffic flow, etc. Current penalty - upto Rs 1000 fine or six months imprisonment; amendment increases it to 6-12 months imprisonment and/or a fine of Rs 1000 to 5000.
• Driving with more passengers than legally allowed for the given type of vehicle will result in a fine of Rs 1000 per extra passenger and excess passengers will have to be off-loaded and alternative transport arranged;
• Excessive usage of the horn or in prohibited areas can attract a fine of Rs1000 for the first offence and Rs 2000 for subsequent offences.

Seat belts
• Transport vehicles (such as those with standing passengers) can be exempted by the state governments from the seatbelt requirement;
• Penalty for violation increases from a fine of upto Rs 100 (first offence) and upto Rs 300 (subsequent offences) to a fine of upto Rs 1000.

Child safety restraints
- Requires a child under 14 to be secured by a safety belt or child restraint system; violators would incur a fine of Rs 1,000. MVA in current form is silent on the issue.

Helmets
- Everyone over the age of 4 must wear a helmet when riding a two-wheeler;
- Allows (but is not mandatory) the Central government to develop rules to protect children under 4;
- Eliminates the authority of state governments to create exemptions to the helmet rule; the exception for side car has been removed;
- Increases penalty from a fine of upto Rs 100 (first offence) and upto Rs 300 (subsequent offences) to Rs 1000 and a licence disqualification of upto 3 months.

Drink Driving
- Defines "drug" (lacking in current legislation);
- Proposed penalty of upto 6 months imprisonment and/or Rs 10,000 fine, and the licence can be suspended for 3 months (first offence) and up to 2 years imprisonment and/or fine of Rs 15,000 and licence may be revoked (subsequent offence) (from earlier one of imprisonment of upto 6 months and/or fine upto Rs 2000 (first offence) and imprisonment upto 2 years and/or fine upto Rs 3000 (subsequent offence within 3 years);
- Removes the 3 year limit for subsequent offences; Requires a driving refresher course to be completed for reinstatement of a suspended or revoked licence.

An analysis by Bloomberg Philanthropies that advocates for greater road safety globally through advocacy and increasing public awareness, notes that while these changes will bring the Motor Vehicles Act more in sync with the World Health Organization's best practices on road safety, some lacunae remain:

On *child restraints*, the amendment allows for seatbelt or child restraint, whereas it would be better to make child restraints mandatory. In addition, child restraint needs to be clearly defined and the law should require the restraint to be age- and size-appropriate;

On *helmets,* the changes do not address the issue of children under 4 on two-wheelers, a large vulnerable population;

Under *drink driving*, there is no differentiation between novice drivers and experienced drivers in terms of blood alcohol levels. The limit for novice/young drivers should be lowered to 20 mg per 100 ml.

The amendments are being reviewed by the Parliamentary Standing Committee. State governments are, of course, going over the amendments as well to send in their comments. Hopefully, the amendments will get passed in the near future as they will constitute a large step towards road safety. The true success of the bill though hinges on how accepting the public is of the new regulations and how effective the implementation and enforcement will be.

Assessing Road Quality - How Can Citizens Be Involved?

Measuring road quality may seem like a highly complex science, requiring not only prior technical know-how, but also specialised equipment. For the most part, this is true - most municipal authorities around the world are tasked with surveying roads regularly to determine maintenance needs and require teams of highly qualified civil and mechanical engineers. But can citizens asess road quality beyond the obvious potholes?

Pavement Condition Index
The PCI is a numerical indicator that rates the surface condition of a road following a manual/visual inspection. It was developed by the U.S. Army Corps of Engineers and standardized by ASTM. It provides a measure based on the types of 'distresses' (e.g. cracks, depressions, potholes, etc.) observed on its surface, and therefore a rational and objective basis for determining maintenance needs. The distresses are assigned a severity level - low, medium or high - based on how they affect the ride quality.

The EU, on the other hand, uses the International Roughness Index(IRI), as well as a visual assessment of certain surface distresses to determine road condition. In the UK , machine-based surveys are used to calculate a Road Condition Index value. Both of these methods, while highly accurate, are too technical for citizen use. Around the world, there seems to be no common, widespread index used to measure road quality; various departments of transportation carry out their own assessments.

By monitoring the PCI on a regular basis, we could essentially establish the rate of road deterioration,

which consequently permits us to carry out the identification of rehabilitation needs well ahead of time, which certainly cuts costs in the long term.

Complete streets

Complete streets is a transportation policy and design approach that requires streets to be planned and operated to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation - walking, cycling, riding public transportation, driving automobiles or delivering goods.

The specifics of Complete Streets policies vary, based on project and context goals, but they may include pedestrian infrastructure; traffic calming measures to lower the speeds of automobiles and define the edges of automobile travel lanes; bicycle accommodations, such as protected/dedicated lanes, neighborhood greenways, wide paved shoulders, and parking; and public transit accommodations, such as Bus Rapid Transit, bus pullouts/turnouts, transit signal priority, shelters, and dedicated lanes.

Proponents of the Complete Streets concept believe that it improves safety, lowers transportation costs, provides transportation alternatives, encourages health and a better environment through walking and biking, stimulates local economies, creates a sense of place, improves social interaction, and generally improves adjacent property values. Opponents may consider automobile-only infrastructure to be a better use of public funds, or consider efforts to encourage other forms of transportation as coercive.

India's initiatives

The Indian Roads Congress is the apex body of highway engineers in the country. It was set up in December 1934 with the objective of furthering road development in India. It has released public safety standards as open data, including several manuals on the design, construction and maintenance of roads. However, these are not the most cohesive and do not enable citizen science or participation in any way.

Public Affairs Centre, a Banaglore based NGO, launched a unique project in 2005 in Meghalaya, Jharkhand and Rajasthan that aimed to empower citizen monitoring of the PMGSY roads and to generate citizen feedback into a complex sector such as infrastructure. A citizen friendly toolkit was developed that could be used by anyone with minimal training to test the parameters of a road. PAC initiated the process in Tamil Nadu and later in Karnataka and Orissa.

The tools were tested on the field and the process was modified accordingly. The project revolves around enabling citizen volunteers to monitor and evaluate their rural roads by:

• Understanding the process of PMGSY road construction.
• Getting trained to use tools and techniques to measure parameters of road dimensions.
• Generating data on respective roads, which in turn is used for analysis and interpretation vis-a-vis road quality.

With further improvements to the process, citizen monitoring is currently used in seven states. The process has evolved over the years and currently involves identifying volunteers through organisations with a presence at the grassroots level in states, training them, collecting the report on roads through them and presenting the findings to NRRDA and the various State Rural Road Development Agencies (SRRDAs) who thereafter act on the findings.

An analysis of media coverage on Energy Governance

Media coverage of energy issues has been an unexplored topic in both energy and journalistic circles. This is especially in India, and particularly in Tamil Nadu, where energy sector has been receiving widespread attention, due to electricity related problems plaguing the state in the form of power cuts and blackouts, over the past few years.

To understand the trends, a survey of over 150 Tamil Nadu specific news items related to electricity issues covering the time period between 2009 and 2016, from leading English newspapers were analysed. This time period was taken into consideration as Tamil Nadu started experiencing electricity supply problems within this time period. Additionally, over 50 news items pertaining to purely power cuts were analysed separately. The sources covered included The New Indian Express, The Financial Express Business Standard, The Hindu, NDTV, Live Mint, Hindu Business Line, DNA, Scroll, News Minute, PV Magazine, Economic Times, Times of India, Rediff News, Money Control and Deccan Chronicle.

At the first level, the headlines were categorised to understand the focus of the news items. It was
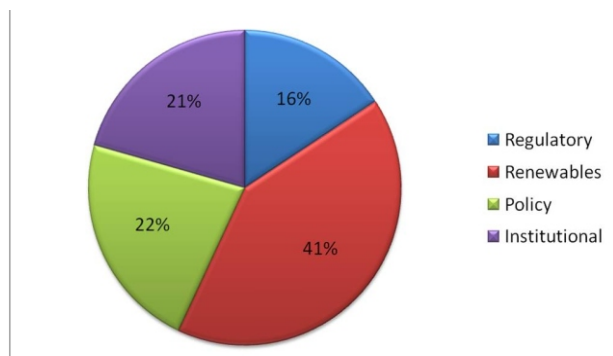
noticed that the items can be broadly divided into news relating to renewable energy (46%), policy (22%), Tamil Nadu Generation and Distribution Company (TANGEDCO) and Tamil Nadu Transmission Company (TANTRANSCO) (21%), Tamil Nadu Electricity Regulatory Commission (TNERC) (16%). At the second level, the contents of each of the news item were studied in detail to further analyse trends in news reporting.

Within renewables (45%), it is noticed that news articles related to solar energy had around 45% share followed by wind energy e.g. capacity addition - 23%, technical issues of renewables such as grid evacuation problems - 19% and lastly Solar and Renewable Portfolio Obligation requiring purchase by the distribution companies - 13%. This categorisation is consistent as the electricity crisis forced the media to look for alternative and potential sources of energy and its ensuing issues.

Between 2009 and 2016, the policy related news focused on the financial issues of the utility (45%), increasing generation capacity including statements related to setting up of thermal power plants (42%), and UDAY scheme and Financial Restructuring package for clearing the revenue deficit of the utility by the Government (42%).

Reporting for TANGEDCO and TANTRANSCO mainly focused on its finances (52%), technical relating to SCADA transmission, forecasting and scheduling (27%), infrastructure related to capacity addition, distribution level etc (22%) were covered. This is consistent with the electricity situation prevailing in the state and has cross cutting relationship with above categories. Reporting on regulatory issues has mostly been confined to tariff (60%), as over three tariff orders were issued by TNERC over the time period. This is followed by the judicial cases (5%) with reference to the Appellate Tribunal for Electricity. Cross-cutting issues relating to tariff orders for renewable energy constitute up to 35% of cases. The stakeholders portrayed in the news were mainly TANGEDCO / TANTRANSCO, Government of Tamil Nadu, TNERC and Industries. It was noticed that the views of CSOs and academia were not wide-spread.

A thorough manner of reporting, focussing on uncovered areas such as demand side management (DSM), energy efficiency, rural electrification, climate change/energy issues will be in keeping with the current climate of concerns while taking divergent views of a wider range of stakeholders, including CSOs, academia, consulting firms etc. is likely to benefit the readership even more.

Proposed Geospatial Information Regulation Bill, 2016 is regressive and draconian

The access to geospatial technologies and geospatial information has revolutionised access and use of geospatial information. Local governments and several low income groups have embraced the latest tools to create and share geospatial information, and have applied it to a wide range of sectors, ranging from the conservation of natural resources to disaster management, and urban and town planning. Contrary to these realities, the Government of India (GoI) has proposed the Geospatial Information Regulation Bill, 2016 which seeks to "regulate the acquisition, dissemination, publication and distribution of geospatial information of India which is likely to affect the security, sovereignty and integrity of India and for matters connected therewith or incidental thereto."

It extends to all aspects of geospatial information, regardless of size, volume, format, location or any other scientific or spatial attributes, and has extraterritorial operation, regardless of any relation or connection to national security, integrity or sovereignty of India. The Bill proposes to set up authorities to execute and implement various provisions to grant licences and conduct security vetting; to conduct enquiries, surveillance and monitoring for enforcement of regulations and license conditions; and to hear appeals against decisions passed by these authorities.

National Policies on Geospatial Data
Historically, the access to maps and topographic information were always restricted pandering to fears of national security but advancements in geospatial technologies halted the exclusivity of the State in mapping and disseminating geospatial

information. Between 2005 and 2015, the central government enacted a series of national policies to facilitate easy access and sharing of geospatial data generated by governmental agencies to wider populace; sensitive topographic and geospatial information pertaining to defence establishments and other vulnerable points were excluded and continue to be classified information.

National Map Policy, 2005
The National Map Policy, 2005 marked the beginning of enabling wider access to topographic information of India. To this end, the Survey of India was made responsible for "liberalizing access of spatial data to user groups without jeopardizing national security." For the first time, the NMP de-classified topographical and spatial information held with the Survey of India to a large extent, and encourage value addition to existing geospatial data by user and industry.

Remote Sensing Data Policy, 2011
The Remote Sensing Data Policy, 2011 allowed users to operate remote sensing satellites from India for the first time, recognising the wide availability of high-resolution imagery of India from foreign and commercial remote sensing satellites. The Department of Space was appointed as a nodal agency to permit managing, acquisition and dissemination of data through remote sensing satellites, and the GoI held complete ownership over the data collected or received through such satellites.

National Data Sharing & Accessibility Policy, 2012
The Department of Science and Technology promulgated the National Data Sharing & Accessibility Policy, 2012 to provide reliable and quality data generated by government entities to promote evidence-based planning of socio-economic development processes. The stated objectives are to promote wider accessibility and use of public data and information by facilitating access to GoI-owned shareable data and information in both human and machine readable forms through a network all over the country in a proactive and periodically updated manner.

National Geospatial Policy, 2016
The National Geospatial Policy, 2016 promulgated by the Department of Science & Technology further recognised geospatial data, products, services and solutions as an essential tool for national development. The NGP aims to empower citizens with geospatial technologies in a comprehensive and planned manner "for inclusive growth through efficient, informed, transparent and timely decisions.", and castigated the erstwhile restrictions on geospatial data as obsolete and called for

appropriate guidelines to ensure "data availability, accessibility and quality to meet the imperatives of the national development goals."

While the National Map Policy, 2005 paved way for 'unrestricted' access to large amounts of topographic information held by Survey of India, the National Geospatial Policy, 2016 further allowed for open, registered or restricted access to geospatial data generated by all other governmental agencies. The basis for such distinction appears to be on the basis of threat to national security, safety and protection of intellectual property. The Geospatial Information Regulation Bill, 2016 completely obliterates this distinction by providing a one-size-fit-all regulatory scheme for accessing geospatial data. In essence, GoI has unilaterally conferred upon itself an absolute right and ownership over entire geospatial information of India to the exclusion of all persons.

Rights and Freedoms guaranteed by the Constitution
The Indian Constitution guarantees 'freedom of speech and expression' to every citizen, subject to certain reasonable restrictions (Article 19(1)(a)). The Supreme Court has given an expansive interpretation to the scope of the 'freedom of speech and expression', and has rejected laws which casually or arbitrarily impose restrictions on free speech. The content of speech and the nature of expression falling within Article 19(1)(a) is multifarious, inter-alia encompasses the right to dissent, the right to know and also right to acquire scientific or technological information.

Article 19(2) states that to justify restrictions on rights guaranteed under Article 19(1)(a) there must be proximate and reasonable nexus to the object sought to be achieved, and such connection must be immediate, real and rational and not illusory, and cannot be "far-fetched, or hypothetical or problematic or too remote in the chain of its relation" to restrictions envisaged under Article 19(2). The Supreme Court further constricted the restrictions to be imposed only under circumstances which may lead to 'incitement'. The Bill envisages pre-censorship and monopolises the entire gamut of geospatial information, including data which does not concern or have the tendency to affect the sovereignty and integrity of India or the security of the State.

Article 19(6) of the Constitution permits reasonable restrictions on trade in 'public interest'. The Supreme Court has stated that while the State may place, in the interest of the general public, restrictions upon the right of a citizen to carry on business, it cannot do so by directly and immediately curtailing any other

freedom guaranteed by the Constitution and which is not already set out in Article 19(6). The proposed Bill affects the use of geospatial data across the board, from governments, industry, NGOs, panchayats to citizens, and so arbitrary and unreasonable. This places it beyond the scope of Article 19(6).

Illegal and Unconstitutional
The disclosure of public information is a paramount duty of every government and right to know is a fundamental right of every citizen. The facets of the right to know, or the right to information are derived from the freedom of speech and expression protected under Articles 19(1)(a) and 21 and freedom of trade and profession under Article 19(1)(g). Geospatial tools and data have been a valuable asset for social change, to protect livelihoods, promote accountability, eliminate corrupt practices and conserve natural ecology. Curtailing these rights and freedoms, and placing blanket restrictions on access to geospatial information, the Bill is illegal and unconstitutional.

Road Safety rally on Marina Beach, Chennai

On July 1, 2016, CAG organised a road safety rally on Marina Beach, Chennai. Over 600 students from several Chennai city colleges participated.

The walk was followed by a mime show, a talk on road safety by the volunteer group, Thozhan, and a demonstration of first aid by ALERT. The students also took a road safety pledge.