

Policing the Net, privately

Watchdogs of Internet freedom, security experts, encryption specialists, academics and even human rights organisations have all been petitioning Ravi Shankar Prasad against the Information Technology (Intermediary Guidelines Amendment Rules) 2018.

The changes envisaged are far-reaching, making the intermediaries (service providers) accountable for the content on their platforms and no longer eligible for safe harbour protection.

The changes -

- The amended guidelines define intermediaries as any service that has more than five million users in India. Such companies will have to take down questionable content within 24 hours and ensure the traceability of messages.
- User data will have to be provided within 72 hours of a government request. Intermediaries would also have to mandatorily upload filters to proactively weed out unlawful or noxious content. Besides, they would have to preserve their records for at least 180 days to aid government investigators.

Concerns -

- Champions of free Internet and rights organisations worry that the **amendments would facilitate unchecked surveillance** and seriously undermine the right to privacy.
- A global coalition of civil society organisations and security experts has warned that the change will **undermine the fundamental right to privacy** of users without addressing the problems that the ministry seeks to resolve.
- Tech giants and security experts have joined the free speech lobby in **opposing the liability regime on account of the technical problems**. They complain that many of the proposals would be impossible to implement and ought to be dropped, such as the use of automated tools to proactively identify and remove unlawful content.
- In their latest missive to Prasad, security professionals pointed out that services using **end-to-end encryption cannot provide the level of monitoring** required by the Indian government.
- The unease with the Indian guidelines is that it envisages a pervasive surveillance regime that is predicated on close cooperation between intermediaries and unspecified government agencies.

International examples -

- Germany has enforced strict laws, called NetzDG, that call for rapid removal of hate speech and other toxic content or be hit with fines amounting to €50 million.
- MeitY proposals go well beyond the laws in these countries without including the procedural safeguards or the checks and balances that NetzDG and EU's Draft Terrorist Content Regulation provide. The German law also puts strong emphasis on transparency from the platforms.

Conclusion -

The intermediary liability regime will add another layer of opacity to an already bleak digital landscape.

Three isn't a crowd

At the United Nation Environment Programme's 13th Conference of Parties to the Convention on Conservation of Migratory Species of Wild Animals (CMS COP13) when the Indian Elephant, along with the critically endangered Great Indian Bustard and Bengal Florican was adopted for additional protection.

About CMS -

- CMD, a treaty agreed by 130 countries, is also called the Bonn Convention as it started in the city, in Germany, way back in 1979.
- It is amongst the several conventions on biodiversity, such as the Convention of Biological Diversity (CBD) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This year, it was special for India as for the first time COP was hosted in the country.

Performance of CMS -

- At a time when migratory species are rapidly declining, Article iii of CMS states that countries that fall in the range of migratory species listed in CMS Appendix I shall make all efforts to prohibit their “taking away”. Exception can be made if it is done for scientific purpose, to enhance propagation or survival of the affected species, or to accommodate the needs of traditional subsistence users.
- The 2015-2018 CITES trade data indicates that CMS parties have engaged in trade across a range of species that are included in Appendix I, both as importers and exporters.
- Traded goods range from “live” animals, whole bodies of dead animals and body parts of dead animals, such as bones, carvings and trophies.
- Another problem is that CMS lacks an implementation mechanism. CITES, for instance, has a mechanism that allows trade restriction on parties violating its decisions.
- The conventions that emanated from the Rio Earth Summit, such as the United Nations Framework Convention on Climate Change, CBD and the United Nations Convention to Combat Desertification, have a funding mechanism. CMS lacks this, putting the convention under severe financial strain.

Way forward -

- CMS can get funds for its programmes by creating linkages with the conventions that emerged from the Rio Earth Summit.
- As CMS is not as big as UNFCCC, it can undertake a lot of progressive and crosscutting issues.

Sync and align

India is just four years from supplying tap water to every household. Prime Minister Narendra Modi declared this in his Independence Day speech last year, setting 2024 as the deadline. The target will be met through a new scheme—**Har Ghar Nal Se Jal**.

Current situation -

- Almost four of five households (78.6 per cent) of the country do not have piped water connections, as per the National Sample Survey Office’s 76th survey round released in November 2019.
- The challenge becomes stiffer in rural India, where just 18 per cent households have tap water. In contrast, 40.9 per cent urban households get piped water.
- By 2024, some 146 million rural households have to be provided with tap water.
- While the new target is for drinking water—the category with the lowest share in water use at 9 per cent, as per a 2009 UNESCO report— there are other dominant water uses. For instance, 80 per cent water in rural India goes to irrigation while 8 per cent is used by industries. Meeting all of these requirements would need an overall change in the country’s water regime.

What does the government plan?

- The Union government has fixed the cost of providing water to all at Rs 3.5 lakh crore till 2024. This will be shared equally by the Centre and states, barring the Northeast and the Himalayan states that will foot 10 per cent of the bill.
- The scheme is flexible and participatory because it allows gram panchayats and local bodies to decide water usage charges for supply of potable piped water.
- This step is crucial in planning, implementation, management, operation and maintenance of in-village water supply systems, including drinking water sources.

Jal Shakti Abhiyaan -

- As a first step in the overhaul, in May 2019, the government integrated different ministries and departments dealing with water into one—the Ministry of Jal Shakti.
- Within two months, it had launched the Jal Shakti Abhiyan (JSA), the flagship water conservation campaign and the Jal Jeevan Mission (JJM), the part of JSA that would ensure Har Ghar Nal Se Jal.
- “Essentially, Jal Shakti Abhiyaan is an awareness generation and mobilisation campaign for water conservation to make water everyone’s business.

Challenges -

- The most crucial hurdle JJM faces is availability of water due to unavailability of continuous supply from the source and delay in expansion projects.
- Even if the government manages to bring piped water to each household, ensuring a steady supply would be a task because of poor water infrastructure. According to an Asian Development Bank estimate, 48 per cent of water gets lost in public supply each day through pipe leaks.
- Another challenge is the volume of water to be supplied. At present, most rural households get 40 litres per capita per day (LPCD) which has to be increased to 55 LPCD, as per a 2014 announcement by the Union government.
- At present, groundwater resources are used to meet 90 per cent of rural India's drinking water needs. Despite annual average precipitation of 1,170 mm, water resource distribution is highly skewed due to large spatial and temporal variability in rainfall. Since rural areas are the key focus, sustainability of groundwater needs to be addressed.

MGNREGA - the saviour -

A CSE (Centre for Science and Environment) analysis shows farm ponds constructed under MGNREGA alone are enough to meet the demand of water for the 2024 target.

India has spent Rs 400,000 crore on 5,264 dams in different states till February 2019, as per media reports, while Rs 20,189.6 crore have been spent on MGNREGA projects, which is 5.4 per cent of the cost of the construction of big dams.

It is beyond doubt that the water works created under MGNREGA have a huge potential to irrigate fields and improve crop production. The Centre has earmarked almost 75 per cent of MGNREGA for water related works in FY 2019-20 in comparison to 63 per cent in FY 2018-19. But there is scope for improvement. Creation of optimum structures will be possible only if discussions are held among planners, hydrogeologists and policymakers.

Step up or lose

It was a generational leap forward for India last October when it declared itself Open Defecation Free (ODF). Without proper waste management, the ODF status would mean nothing in terms of containing contamination. There is also the threat of people slipping into their old habit of open defecation.

Challenge -

- As per the Government's own report "*From ODF to ODF Plus Rural Sanitation Strategy 2019-2029*", the country still has thousands of toilets with single-pits or septic tanks that require de-sludging from time to time. These were either built during SBM-Gramin or under previous sanitation programmes. "To ensure sustainability in future, they may be retrofitted as appropriate.
- Under this, all single-pit toilets have to be upgraded to twin-pit and soak pits have to be constructed for septic tanks. The guidelines also call for de-sludging septic tanks every three to five years and treat the faecal sludge generated at these off-site sanitation facilities either by setting up faecal sludge treatment plants (FSTPS) for clusters of villages or by providing co-treatment options at the existing STPS sewage treatment plants in nearby areas.

Government response -

For all these, the government has set up a development fund for each gram panchayat, which ranges from Rs 7 to Rs 20 lakh depending on the number of households. In addition, up to Rs 5 lakh per gram panchayat is available under the Mahatma Gandhi National Rural Employment Guarantee Act for solid and liquid waste management. Funds are also available under the 14th Finance Commission Grants which can be used for ODF Plus activities, such as construction of concrete soak pits for grey water management and compost pits and vermi-compost pits for solid waste management.

Conclusion -

If there are some old dilapidated toilets and people are not in a position to fund retrofitting, it's the call of state government if they want to fund it. But ideally, if the government has given incentives to build toilets, people should bear all its future expenses. It should not be a perpetual demand.

SBM has managed to change people's behaviour towards toilets, but not towards the appropriate toilet technology. That should be the focus under ODF Plus.