

**SYNTHESIS
REPORT
ON
FAECAL SLUDGE
AND SEPTAGE
MANAGEMENT IN
UTTARAKHAND,
ODISHA AND
RAJASTHAN:
CHALLENGES
AND
OPPORTUNITIES**

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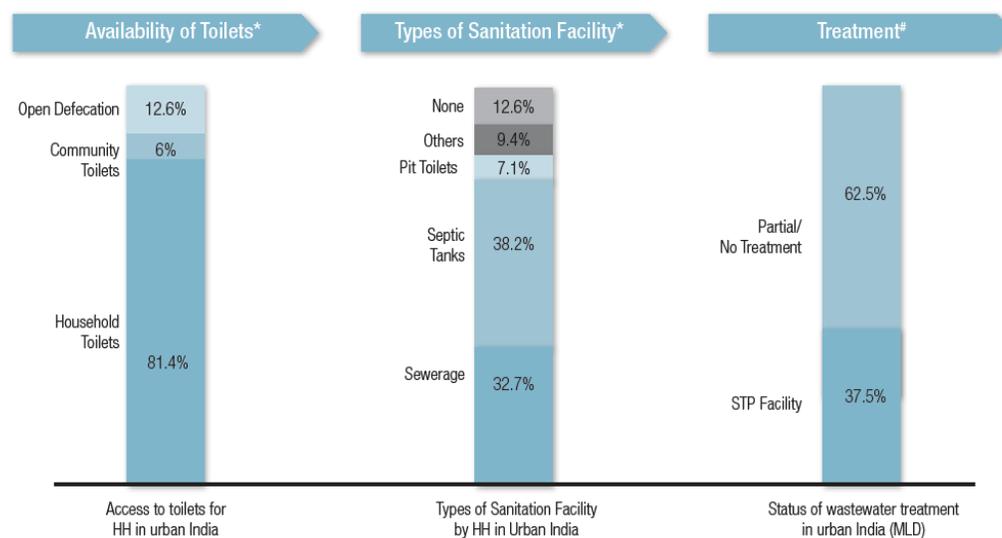
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INTRODUCTION

Sanitation Systems can be broadly categorized into ‘Off-site Sanitation Systems’ and ‘On-Site Sanitation Systems’ (OSS). Off-Site Sanitation Systems are those where the toilet is connected to the public sewerage system. The output of Off-Site Sanitation Systems is referred to as ‘Sewage’ and is usually transferred to the ‘Sewage Treatment Plant’ where it is treated. In places which are not connected to public sewer network, communities and households rely on OSS for disposal, and often, for partial treatment of waste. The reason why OSS is referred to as OSS is because in this case, the primary containment/ treatment of the faecal waste is conducted within the vicinity of the site at which it is created. In the case of OSS, households and communities rely either on septic tanks, or other containment systems such as soak-pits and bio-digesters. The output of these treatment options is collectively referred to as ‘Faecal Sludge and Septage.’

As per Census 2011, India’s urban population is 377 million or 31 per cent of the total population, which is expected to increase to 600 million by 2031 (Ministry of Urban Development, 2017a). In urban areas, around 48 per cent of the households depend on on-site facilities (Ministry of Urban Development, 2017). This is due to several reasons, the most important one being the fact that the conventional sewerage system is **not economically and technically viable** in all urban areas. Therefore, basic sanitation infrastructure in urban areas in India follows a **hybrid approach** where off-site and on-site sanitation systems co-exist. Therefore, FSSM is important in the urban sanitation context.

Figure–1: Status of urban sanitation in India¹.



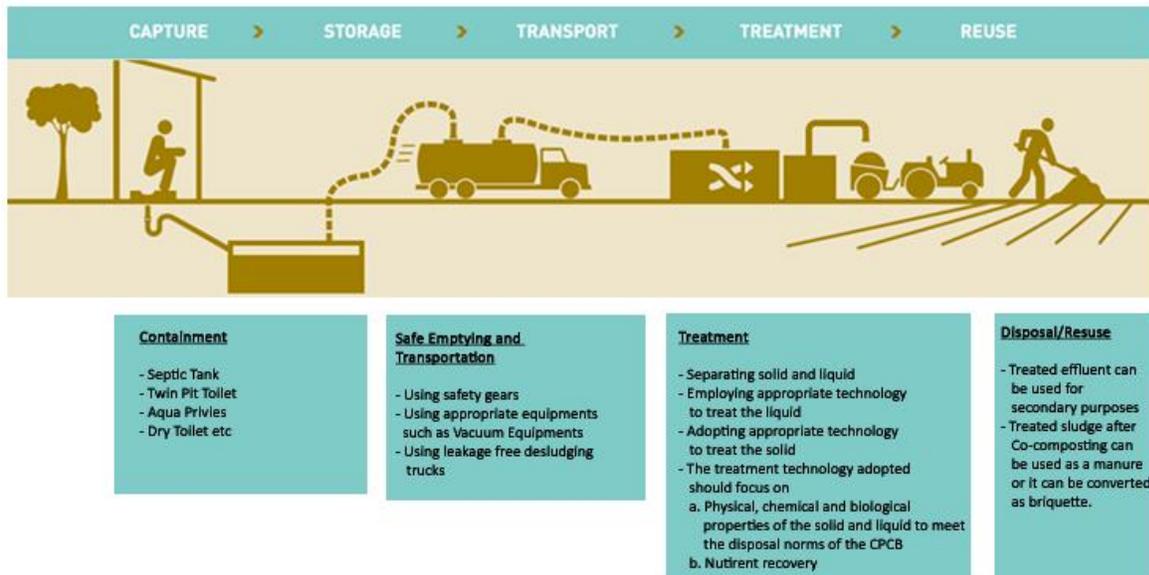
FSSM is the process of safe collection, conveyance, treatment and disposal/ reuse of Faecal Sludge and Septage from on-site sanitation systems such as pit latrines and septic tanks (see Figure 2). A typical FSSM system involves the following steps:

- (a) Desludging of a septic tank/pit latrine;
- (b) Storage of the collected waste in a sealed container;

¹ Ministry of Urban Development, National Policy on Faecal Sludge and Septage Management (MoUD 2017)
11.

- (c) Transportation of the collected waste to a treatment facility;
- (d) Treatment of the collected waste; and
- (e) Disposal of treated waste or recycling/reuse of the treated waste.

Figure–2: FSSM Chain²



As we can notice from the above figure, FSSM is a process that involves multiple steps, and thus multiple stakeholders. Different parts of FSSM are governed by different levels of Government such as the Central, State and Local Governments. Apart from that, local factors such as peoples’ perceptions and technical issues relating to treatment are all uncertainties that mar the area of FSSM. Together, all of these render the regulation of FSSM complex.

Dr. Phillippe Cullet, Dr. Sujith Koonan and Dr. Lovleen Bhullar conducted the research to understand the regulatory framework governing FSSM in the selected states. The research was conducted in different sized cities with different governance models in each of the states, for building a holistic narrative. The research focussed on how the capacities of municipal bodies may be leveraged better in order to achieve sustainable FSSM cycles. This synthesis note is meant to congeal the findings of the research.

In each of the states, the research was conducted in two steps. The first stage involved the mapping of regulatory, legal and institutional instruments and capacities of the selected states. Even as this was done at a state-level, attention was given to specific legislation applicable to the selected cities and towns. In Rajasthan, the selected cities/towns were Bikaner, Rajsamand, and Jaisalmer. In Uttarakhand, the towns of Doiwala, Pithoragarh and Rudrapur were selected. In Odisha, the towns/cities of Berhampur, Dhenkenal and Puri were selected. The second stage of the research involved an analysis of issues and challenges at the implementation level in light of the fieldwork conducted in the selected cities and towns.

2 MDWS (*) (n *) 11.

This synthesis note primarily focuses on the legal, regulatory and institutional framework pertaining to FSSM. Part I of the synthesis note looks at the central level legislation, standards, policies and initiatives applicable to FSSM. Part II examines how state and local level legislation and policies interact with their Central counterparts. In this context, part III discusses the challenges in the area of FSSM and Part IV introduces the readers to the various regulatory opportunities to ensure an effective framework for FSSM.

PART I

National Level Framework on FSSM

A. The Constitution of India and Sanitation: -

According to the Constitution of India, sanitation and water are included in the State List (Seventh Schedule, List II, Entries 6 and 17 respectively). In other words, the Constitution vests the power to make laws on these subjects in the State. According to the 74th Constitutional Amendment Act, 1992, the responsibility for the planning and delivery of urban services, including sanitation, lies with Urban Local Bodies (ULBs) under local municipal laws. In addition, Article 252 of the Constitution empowers Parliament to legislate for two or more States by consent and adoption of such legislation by any other State. This provision has led to the enactment by Parliament of laws relating to environment and manual scavenging. As we have seen earlier in the figure pertaining to the FSSM chain, there is an interface between different issues in the area of FSSM; for instance, the environment, and the rights of sanitation workers. Therefore, any legislations, policies etc. made on these issues affect and interact with FSSM.

B. Laws and Regulations

1. Protection of the Environment

Treatment and safe disposal of faecal sludge and septage are important components of the FSSM chain because of the potential of faecal sludge and septage to pollute the environment. The Environment (Protection) Act, 1986 (EPA) and the Water (Prevention and Control of Pollution) Act, 1974 (WPCPA) provide a framework for prevention and control of environmental pollution due to faecal sludge and septage. The EPA applies in principle to every establishment, agency, or individual discharging any pollutant into the environment. The WPCPA explicitly prohibits dumping of all pollutants beyond the prescribed limit to any stream, well or sewer. It also empowers the Central Pollution Control Board (CPCB) at the central level and the State Pollution Control Board (SPCB) at the state level to take regulatory measures to prevent and control water pollution. Thus, the direct discharge of untreated faecal sludge and septage on land or into water is undoubtedly not permissible under these laws. The violators are liable to be prosecuted and punished under these laws.

The EPA and the WPCPA also regulate treatment and disposal of faecal sludge, septage and sewage. The setting up of Sewage Treatment Plants (STPs) or Faecal Sludge and Septage Treatment Plants (FSTPs) is subject to a consent procedure, which means that the terms and conditions stipulated by the concerned SPCB govern their operation. Further, section 5 of the EPA empowers the pollution control bodies at the central/state/Union Territory (UT) level to take into account local conditions and issue more stringent norms

than existing ones. These laws give an overarching supervising power to the CPCB and the Central Government to step in to take necessary actions to prevent environmental and water pollution, and to ensure adherence to norms if required. Further, the Central Government has enacted the Solid Waste Management Rules, 2016 in exercise of its statutory power under the EPA. These Rules apply to final and safe disposal of post-process residual faecal sludge and septage to prevent contamination of ground water, surface water and ambient air.

2. Manual scavenging

The term ‘manual scavenging’ refers to the practice of manual handling of human excreta. The practice of manual scavenging takes place in different forms. One aspect is the removal of human excreta from dry latrines. It could be from an individual household or from public toilets. It also includes cleaning of septic tanks, gutters and sewers.

The practice of manual scavenging in all contexts is prohibited. It is a criminal offence to employ a manual scavenger or to let a person carry out manual scavenging. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 bans dry latrines, that is, latrines with no water-seal or flushing mechanism, and provides for their conversion into pour/flush latrines.

This law is complemented, and even fortified, by the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (2013 Act), which is broader in scope and application. The 2013 Act specifically includes the acts of manual cleaning of septic tanks and sewers under the definition of ‘manual scavenging’. It bans ‘hazardous cleaning’ in relation to sewers and septic tanks. It permits manual cleaning of sewers and septic tanks, if necessary, only in very controlled situations, with adequate safety precautions, and in accordance with specific rules and protocols for the purpose. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 provide details of measures to ensure the safety of the workers engaged in cleaning of OSS and sewerage systems. Rule 4 of the 2013 Rules provides a list of protective gear and safety devices to prevent or control the exposure of sanitation workers to hazardous substances and gases while cleaning septic tanks. Thus, these two laws together prohibit manual scavenging in the contexts of dry latrines, OSS systems such as septic tanks and pits, and cleaning of sewerage systems.

C. Policies, administrative directions and guidelines

1. Bureau of Indian Standards

The BIS Code of Practice for Installation of Septic Tanks (IS:2470), 1985 (Code) prescribes norms and standards to be followed in the construction and maintenance of septic tanks. It is mandatory to have septic tanks in areas that are not connected to sewer networks. The Code also addresses issues such as the location of septic tanks, its size etc. For instance, it provides that septic tanks are not be constructed in swampy areas or areas prone to flooding and that they should be accessible for cleaning.

2. National Urban Sanitation Policy, 2008

The National Urban Sanitation Policy, 2008 (NUSP) was adopted with the objective of making ‘all Indian cities and towns totally sanitized, healthy and liveable and ensure and sustain good public health and environmental outcomes for all their citizens with a special focus on hygienic and affordable sanitation facilities for the urban poor and women’. It touches upon FSSM, for instance, by emphasising the need for

inclusion of proper disposal and treatment of sludge from on-site installations as part of City Sanitation Plans (CSPs).

3. Advisory Note - Septage Management in Urban India, 2013

The objective of the Advisory Note – Septage Management in Urban India, 2013 is ‘outlining the contents and steps of developing a Septage Management Sub-Plan (SMP) as a part of the city sanitation plans (CSP) being prepared and implemented by cities’. Septage here refers not only to faecal sludge from septic tanks but also from pit latrines and other on-site sanitation systems. The Advisory Note underlines the need to follow the relevant guidelines and laws such as the National Building Code, the CPHEEO Manual, and the EPA.

4. CPHEEO’s Manual on Sewerage and Sewage Treatment

The Central Public Health and Environmental Engineering Organisation (CPHEEO)’s Manual on Sewerage and Sewage Treatment, 2013 provides detailed guidelines on almost all aspects of FSSM. It lays down parameters for toilet superstructures such as squatting pan and trap and foot rests. It also lays down norms regarding location of pits, and the size and design of pits/septic tanks depending on the local topography. Similarly, the CPHEEO Manual prescribes the minimum distance between the OSS unit and drinking water sources.

5. Swachh Bharat Mission Guidelines, 2014/2017

SBM-Urban was launched in 2014 with the main objective of elimination of open defecation, elimination of manual scavenging and ensuring a system for modern and scientific management of solid waste. The implementation of SBM-Urban is relevant in the FSSM context because it promotes the construction and use of toilets connected to on-site treatment systems such as twin pits, septic tanks, bio-digesters, or bio-tanks in places where it is difficult or not possible to connect toilets to sewerage systems and sewage treatment plants.

The SBM-Urban Guidelines, 2014/2017 recommend different technological options for OSS such as twin-pit latrines and septic tanks. They also provide details of technical features and specifications for toilets that cover almost all aspects of FSSM such as design/technology of the superstructure of the OSS, different types of storage systems, and the transportation and treatment of septage.

6. Atal Mission for Rejuvenation and Urban Transformation (AMRUT)

AMRUT was launched in June 2015. It aims to improve basic services (water supply, sewerage & septage, urban transport) in cities through reforms in urban governance, augmentation of basic infrastructure and establishing a sound institutional framework for effective delivery, through an incremental approach. The AMRUT guidelines prioritise universal coverage of urban households with water supply and sewerage connections and ensuring water availability @ 135 litres per capita per day, followed by provision of storm water drains, urban transport and parks and green spaces.

7. National Building Code of India, 2016

The National Building Code of India, 2016 governs the design, installation and maintenance of toilets, septic tanks, and sewers. Everyone is required to obtain permission from the concerned authority to install

waterborne sanitary or drainage installations. It further prescribes the design parameters that owners of premises are required to follow while constructing sanitary fixtures such as water closets and urinals.

8. Model Building Bye-Laws, 2016

The Model Building Bye Laws, 2016 provide that the location, design and construction of a septic tank shall conform to requirements of the National Building Code. They go on to lay down some requirements inter alia for the location of the septic tanks and subsurface absorption systems.

9. Primer on Faecal Sludge and Septage Management, 2016

The Primer on Faecal Sludge and Septage Management, 2016 is a supplementary document to the Advisory Note of 2013. It stresses the need for state-wide operative guidelines, City level toolkits, operational manual, management/ financing/ operating FSSM, and FSSM plan for the city.

10. National Policy on Faecal Sludge and Septage Management, 2017

The National Policy on Faecal Sludge and Septage Management, 2017 sets out to address issues such as design of OSS, frequency of desludging, operational safety of sanitary workers, tariff for cleaning of faecal sludge, penalties to be imposed for unsafe sanitation related practices, registration of private sector providers etc.

11. Namami Gange programme

The Namami Gange programme is an Integrated Conservation Mission, approved as ‘Flagship Programme’ by the Central Government in June 2014 with a budget outlay of Rs 20,000 crore to accomplish the twin objectives of effective abatement of pollution, conservation and rejuvenation of the river Ganga. The Central Government has divided its implementation into Entry-Level Activities (for immediate visible impact), Medium-Term Activities (to be implemented within five years) and Long-Term Activities (to be implemented within 10 years).

12. National Mission for Clean Ganga

The National Mission for Clean Ganga is the implementation arm of the National Ganga River Basin Authority (NGRBA). The Central Government constituted the NGRBA under the EPA, but replaced it with the National Council for Rejuvenation, Protection and Management of the River Ganga.

Some of the programmes/policies mentioned above are budget-outlay based programmes, while some such as the BIS specifications, NBC 2016 and CPHEEO Manual are supposed to act as recommendatory standards in the area of FSSM. Further, the constitutional provisions relating to sanitation makes it expedient upon the state governments and ULBs to regulate various sanitation interventions including different aspects of FSSM. In this context, the following part examines the framework relating to FSSM in the selected states.

PART II

FSSM at State and Local Levels

Municipal Laws, Model-Laws and Sanitation Policies

Like in the case of the framework at the Central level, the framework at the state level also comprises a number of regulatory instruments addressing one or more aspects of FSSM. This includes regulations that govern municipal bodies, building construction, and development. Further, states can also pass model regulations/ bye-laws on FSSM, which have to be adapted by ULBs for them to be effective. Apart from legislative instruments, the states also rely on softer instruments such as policy documents and guidelines. Further, bodies such as the State Pollution Control Boards and various arms of the State Government involved in the governance of programmes such as SBM-Urban, AMRUT etc. also become involved in the business of regulating FSSM. This study navigates through this complex institutional and legal web. This part highlights some of the important aspects of the framework at the state and local levels.

A. MUNICIPAL LAWS GOVERNING FSSM

Laws relating to ULBs generally do not refer to the terms faecal sludge/septage. However, they still concern themselves with major aspects of FSSM such as permission for construction of toilets, maintenance of sanitary conditions etc.

Municipalities are entrusted with a multitude of functions in relation to sanitation and FSSM. ULBs are often armed with the responsibility of construction of sanitary infrastructures such as latrines, privies, sewerage works etc. Under the Uttaranchal Municipalities Act, 1916, for instance, every municipality is required ‘to make reasonable provision within the municipal area for ... constructing, altering and maintaining ... latrines, privies, urinals, drains, drainage works and sewerage works’ (s 7(h)). Further, the discretionary functions of municipalities, ‘within the limits of the municipality and with the sanction of the Prescribed Authority outside such limits’ include ‘establishing and maintaining a farm or factory for the disposal of sewage’ and ‘making arrangements for preparation of compost manure from night-soil and rubbish’ (s 8(1)(j) & (jj)).

In some cases, ULBs are also considered responsible for safe transportation of sewage. For instance, as per section 221 of the Odisha Municipalities Act, 1950, the municipality is required to provide covered vehicles or vessels for removal, and depots for deposit, of filth, and to make adequate arrangements for the conversion of sewerage and filth to compost manure in the prescribed manner. Under the Rajasthan Municipalities Act, 2001, the Municipality has the power to impose upon the owner of the premises a responsibility of providing sanitation related infrastructure. As per Odisha Municipal Corporation Act, 2003, “No person shall construct a cesspool beneath any part of any building or within 20 feet of any lake, tank, reservoir, stream, spring or well; or upon any site or in any position which has not been approved in writing by the Commissioner” (s 309) A penalty of Rs. 400 may be imposed for violation of this provision.

The above-listed provisions are illustrative of the crucial roles and responsibilities of ULBS in the context of FSSM.

B. TOWN PLANNING, DEVELOPMENT, AND SANITATION

Regulations pertaining to town-planning are very important in relation to sanitation, as they dictate the manner in which FSSM related factors will be incorporated into city plans. For instance, under the Odisha Town Planning and Improvement Trust Act, 1956, the planning authority is responsible for the preparation of a well-defined improvement scheme, which may inter alia be a drainage and sewerage disposal scheme. Further, in the Odisha Development Authority Act, 1982, drainage and sewerage are referenced in relation to making of development plan.

C. STATE LEVEL POLICIES RELATING TO FSSM

States come up with initiatives, guidelines and policy documents in relation to FSSM. For instance, the Rajasthan Urban Sanitation Policy, 2009 intends to make all urban centres in the state totally sanitized, healthy and liveable and ensuring and sustaining good public health and environmental outcomes for all their citizens. In 2018, the Government of Rajasthan adopted two key documents related to FSSM—the Faecal Sludge and Septage Management Policy and the Faecal Sludge and Septage Management Guidelines. Together, these two documents deal with various aspects of FSSM, such as the safety of sanitary workers, roles of extant institutions involved in FSSM, setting up of cells, various steps of the FSSM value chain etc.

Odisha, which is a pioneer state in the area of FSSM, has drafted the Odisha Urban Sanitation Strategy 2011, the Odisha Urban Septage Management Guidelines 2016 for Urban Local Bodies in Odisha, the Odisha Urban Sanitation Policy 2017 (Ousp) & the Odisha Urban Sanitation Strategy 2017 (OUSS 2017). Each of these instruments are in place to cater to the entire FSSM chain.

The Ousp and the OUSS essentially aim at the following four objectives:

1. Urban areas are Open-defecation (ODF) and open discharge free (ODF+/+++);
2. Sewage, septage/faecal sludge and liquid waste is safely managed, treated, and disposed;
3. Safety standards and guidelines are followed in the physical handling and management of waste; and
4. Cities/towns do not discharge untreated waste (water and faecal waste) into the water bodies of Odisha.

ULBs play an important role in the administration of Ousp and OUSS at the local level. Further, Odisha has drafted the Model FSSM Regulations, which are to be adapted by ULBs individually. The specific provisions of the Model FSSM Regulation, 2018 pertain to containment, desludging, transportation, treatment, disposal and reuse of faecal sludge and septage. The State Government of Odisha has made such regulations under section 388(8) read with sections 390 and 392 of the Odisha Municipalities Act, 1950.

Box 1: Judicial Interventions

Apart from the Executive wing of the Government, the Judiciary has also been actively involved in the regulation of FSSM. The Judiciary has taken cognizance of matters pertaining to FSSM either through intervention of citizens, or even suo motu. At times, the courts have also directed various agencies such as the Urban Local Bodies and State Pollution Control Boards to perform various actions in relation to FSSM. Following are a few instances where the courts have directed various state agencies in relation to FSSM:

- The Supreme Court directed the State Government to set up a sewerage system in Puri Town.
- The Odisha High Court directed the Odisha State Pollution Control Board and various Urban Local Bodies to take necessary steps to prevent pollution of the water of river Mahanadi.
- In multiple cases in Uttarakhand, the High Court and the National Green Tribunal has intervened, and directed various institutional authorities such as the State Government, District Magistrates and Urban Local Bodies to ensure that no one releases untreated sewage water into the river Ganga.

TABLE 1: INSTITUTIONS INVOLVED IN FSSM IN UTTARAKHAND, RAJASTHAN and ODISHA

		Uttarakhand	Rajasthan	Odisha
S. No.	FUNCTION	INSTITUTION		
1.	Nodal Authority for schemes/plans, technical support etc.	Ministry of Housing and Urban Affairs		
2.	Nodal Authority for enforcement of compliance with environmental laws and rules for the collection, transport, treatment and disposal of faecal sludge and septage	Ministry of Environment, Forest and Climate Change		
3.	Nodal Authority for enforcement of legislations and schemes regarding rights of sanitation workers	Ministry of Social Justice and Empowerment		
4.	Administrative department for local self-governments	Urban Development Directorate (UDD)		

		Uttarakhand	Rajasthan	Odisha
S. No.	FUNCTION	INSTITUTION		
5.	Proper implementation and monitoring of the centrally assisted programmes and programmes relating to Urban Poor	State Urban Development Agency (SUDA) (under the UDD)	Urban Development & Housing Department, Government of Rajasthan (SBM-U) Rajasthan Urban Drinking Water Sewerage & Infrastructure Corporation Limited AMRUT	Directorate of Municipal Administration (DMA)
6.	Development Authority for the entire state/Implementation Authority for schemes on Urban Development/Authorities relating to Urban Planning and Development Control	Uttarakhand Housing & Urban Development Authority Town & Country Planning Department	Urban Improvement Trust, Rajasthan	Directorate of Town Planning, Odisha
7.	Development Authorities of specific selected districts	Urban Improvement Trusts/ Local Development Authorities in specific areas		
8.	Authorities pertaining to sewage and water supply services in the state	Uttarakhand Pey Jal Nigam (UJN) for planning, designing and execution of sewage and water supply services in urban areas Uttarakhand Jal Sansthan	Rajasthan Water Supply and Sewerage Management Board	Odisha Water Supply and Sewerage Board

		Uttarakhand	Rajasthan	Odisha
S. No.	FUNCTION	INSTITUTION		
		(UJS) for O & M of sewage and water supply services in urban areas		
9.	State Pollution Control Board	Uttarakhand Environment Protection and Pollution Control Board (UEPPCB)	Rajasthan Pollution Control Board (RPCB)	Odisha State Pollution Control Board (OSPCB)
10.	Protection of the rights of the sanitation workers in the state	Uttarakhand State Commission for Safai Karamcharis	Safai Karamchari Commission	Odisha State Commission for Safai Karamcharis
11.	Responsibility to establish practices/by-laws/standards for FSSM, provisioning of desludging services, operation and maintenance of STPs and FSTPs, ensuring the safety of sanitation workers	Urban local bodies (<i>Nagar Nigam, Nagar Parishad or Nagar Panchayat</i>)		

In addition to this, the State of Uttarakhand has the following institutions performing specialized tasks most importantly in the context of protection of the river Ganga. This illustrates the diversity that exists in governance of FSSM in different states.

TABLE 2: UTTARAKHAND: UNDERSTANDING THE DIVERSITY OF STATE INSTITUTIONS

S. No.	Authority	Function
1.	Uttarakhand Urban Sector Development Investment Program (USDIP)	<ul style="list-style-type: none"> Support the Government of India and State Government in their policy of balanced regional socio-economic development and poverty reduction throughout the urban sector Funded by ADB through Multitranché Financing Facility (MFF) and also by the central-sponsored JNNURM

S. No.	Authority	Function
		<ul style="list-style-type: none"> • Executing Agency is the UDD, which has set up a state-level urban sector Project Management Unit (PMU) for this purpose • The implementation agencies are the respective urban local bodies, UPJN, UJD and PWD, which in collaboration with PMU will set up Project Implementation Units
2.	State Ganga River Conservation Authority (State Ganga Committee)	<ul style="list-style-type: none"> • Effective abatement of pollution and conservation of the river Ganga and its tributaries • Implementation of the decision or directions of the NGRBA • Chairperson - Chief Minister • Nodal department and secretariat - Department of Drinking Water and Sanitation – provides logistical support
3.	State Project Management Group, NGRBA	<ul style="list-style-type: none"> • Implementation of World Bank assisted ‘National Mission for Clean Ganga (NMCG)’ • Works under Department of Drinking Water and Sanitation

Having examined the various ways in which the Centre and the States seek to regulate FSSM, the next part discusses the challenges for FSSM.

PART III

CHALLENGES

The complex realities of FSSM

A. Sustainable Systems for FSSM

The entire space of FSSM, from the construction of toilets to treatment and disposal of faecal sludge, is dependent on grants to the State Governments, which in some cases, are further passed on to ULBs.. Funding by the Central Government is of utmost importance in the current efforts towards FSSM. This is especially true, as economic, as well as ‘human resources’ related health of ULBs is often found to be sub-par. Therefore, the availability of adequate financial and human resources is extremely crucial for FSSM.

B. Non-regulation of Septic Tanks and Septage

Public perception and convenience very often guide household decisions on the size of septic tanks and soak pits, rather than the technical specifications laid down in various regulatory instruments. Such decisions also impact household practices of emptying of septic tanks/soak pits. Households do not empty the septic tanks/soak pits periodically, as these containment units are used as storage units. This may lead

to the pollution of soil and groundwater due to leaching of faecal matter into the soil, as some of such soak pits are unlined.

Further violations of environmental standards are observed after faecal sludge/septage is transported from the containment units. Both private operators and operators engaged by the concerned ULBs often dump faecal waste on farms or wastelands, or into rivers due to various reasons including the lack of availability of adequate facilities.

C. Private Sector Participation in FSSM and the associated challenges

As mentioned earlier, municipal corporations very often lack the capacity to manage faecal sludge and septage effectively. This has led to a large number of private operators participating in various aspects of the FSSM value chain. While private operators fulfil an extremely important ‘supply’ deficit in face of huge demands to clear faecal sludge and septage, the fact that they are almost entirely unregulated leads to its own set of problems as urban populations grow. The private operators decide their own tariffs and often engage in unsafe emptying of septic tanks. As cost considerations very often dictate their decisions, private sector operators are found to be dumping waste on wastelands or farms, or into water etc. Private operators are also often untraceable due to several factors, one of which is caste, and the notions of ‘impurity’ attached to sanitation work.

D. Safety of Sanitation Workers

Local government, private cesspool emptier vehicle operators, households and commercial establishments call upon members of certain scheduled castes (as employees or contractors) for desludging of septic tanks. Non-recognition or lack of regulation of informal service providers means that issues related to health, environment and exploitation of the workers remain unaddressed. Further, the growing practice of outsourcing sanitation work to private operators adversely affects the ability of members of scheduled castes who work as sanitation workers to make ends meet. The employer/contractor forces them to work in unsafe environments and they are unable to raise their voice against blatant violations of the provisions of laws that lawmakers have designed to protect their rights and interests.

This raises a number of safety issues including death and occupational diseases. While the law clearly states the obligations in relation to the safety of sanitation workers, non-fulfilment of duties is not uncommon. This could be due to the complex way in which sanitation work and caste is linked where some of the most marginalised sections of the society are at the receiving end. As a result, violation of law, more often than not, does not invite actions.

E. Fragmentation and Lack of Coordination amongst Institutions

Considering that all levels of government - Central, state, and local – are involved in the regulation of FSSM, and there are so many aspects to FSSM such as the environment and human rights, multiplicity of institutions and their fragmentation is to be expected. However, for proper FSSM, these institutions need to collaborate and coordinate with each other.

Currently, there are hardly any formal or institutional mechanisms facilitate coordination between various institutions such as State Pollution Control Boards and ULBs. Very often, officials of institutions such as pollution control boards lack an understanding of their role in regulating FSSM. In a landscape involving

as many players and institutions as FSSM, it is of utmost necessity to formulate some ways of maintaining coordination amongst various institutions. Some of the recent initiatives on FSSM such as the Faecal Sludge and Septage Management Policy, 2018 and the Faecal Sludge and Septage Management Guidelines, 2018 in Rajasthan respond to this need by envisaging separate institutional mechanisms to ensure institutional coordination.

F. FSSM as a stopgap arrangement

A lot of the abovementioned issues seem to arise out of the general policy understanding that FSSM is only a temporary measure until public sewers are built. While this perception continues, there have been significant changes in terms of recognising FSSM as a key issue in the urban sanitation sector.

Even within the FSSM value chain, a lot of monetary support is directed only towards building of STPs. Considering that FSSM is still dependent on grant money, and does not occupy ‘policy-space’ in its own right, funds can only be directed towards the goals of any particular projects. A larger drive towards FSSM, with the convergence of various departments and capacity-building at various levels, especially with agencies such as ULBs and State Pollution Control Boards is still missing.

PART IV Regulatory Opportunities and Proposed Solutions

Achieving regulatory efficiency in FSSM

The study has highlighted regulatory opportunities and proposed solutions for each of the sample states. This synthesis note captures the essence of recommendations.

In relation to Rajasthan, the researchers have proposed that the existing State policy on FSSM and the subsequent guidelines be made consistent with the various laws on environment, and the rights of sanitary workers. In Odisha, it has been suggested that the Model FSSM Regulations, 2018, be used to effectively implement various provisions of the Prohibition of Manual Scavenging and their Rehabilitation Act, 2013 and the rules thereunder, to ensure the rights of sanitation workers. For a terrain such as Uttarakhand, the study has proposed that more decentralized solutions for FSSM should be looked at in cases where setting up of Faecal Sludge Treatment Plants is ecologically unsustainable.

At a general level, the study points out that there are a number of regulatory instruments. However, they are not being followed due to various reasons such as lack of awareness, lack of expertise, lack of money, policy pressure and local perceptions. Therefore, multi-pronged interventions seem to be necessary. It is necessary that the current regulations on the environment, construction etc. should be leveraged for effective management of faecal sludge and septage, along with capacity-building at the institutional level.

CONCLUSION

FSSM is a multi-staged process, which involves multiple stakeholders, has multifarious impacts, and requires governance at multiple levels. All these factors contribute to the complexity of regulating FSSM, along with others such as lack of understanding, local beliefs, and geographies.

In such circumstances, it becomes extremely important that the various institutions involved have the capacity to perform their roles, and are in a position to coordinate with each other. It is also necessary to

understand the importance of FSSM at city level, for it to be given priority at the policy level. It is only through such structural, institutional, and even radical reforms in the area of sanitation that the safety of FSSM processes and their sustainability can be ensured.

SCALING CITY INSTITUTIONS FOR INDIA: SANITATION (SCI-FI: SANITATION)

Sanitation programme at the Centre for Policy Research (CPR) is a multi-disciplinary research, outreach and policy support initiative. The programme seeks to improve the understanding of the reasons for poor sanitation, and to examine how these might be related to technology and service delivery models, institutions, governance and financial issues, and socio-economic dimensions. Based on research findings, it seeks to support national, state and city authorities develop policies and programmes for intervention with the goal of increasing access to inclusive, safe and sustainable sanitation. Initiated in 2013, the programme is primarily funded by the Bill and Melinda Gates Foundation (BMGF).

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