

Smart City – Use of Technology and the Needed Labor Reforms

Mukund Sarada, Bhagyashree Deshpande, Salil Shringarpure

Abstract: *The Prime Minister, Sri. Narendra Damodar Das Modi, on 2nd October, 2015 inaugurated a remarkable national campaign of 'Clean India' on the Raj Ghat. This campaign finds its roots from the 'doctrine of Swach Bharat', which was pioneered by Gandhiji. This doctrine encompasses two proverbial statements; a) a sound mind in a sound body; b) cleanliness is next to Godliness but also lead to disease free life. However, in its present state the concept of 'Swach Bharat' appears to have added a new dimension of 'smart cities' with itself, for it is important for the states pursuing to become 'smart' to ensure that they also inculcate the elements of 'Swach Bharat Mission'. Therefore, it becomes evident that there are certain objectives laid down in this mission that are to be achieved. Also, there have been various judicial pronouncements regarding Right to live in a proper environment free from the dangers of diseases and infection, Maintenance of health, preservation of the sanitation, etc. and their nexus with Article 21 of the Constitution, which contribute to the wide spectrum of 'Swach Bharat mission'. However, it is worthwhile to note that since the mission is at a very early stage, in order for it to be successful the government will have to bring several labour reforms, such as, enactment of 'National Swachh (maintenance, regulation and development) Act', social security of workers also needs special attention like Provident Fund, Pension, gratuity etc. The paper will elucidate further on such similar labour reforms that are needed to be introduced in order for this mission to become a reality all over India.*

Index Terms: Smart Cities, Labour reforms, Swach Bharat, Public Health, Technology, Clean India.

I. INTRODUCTION

Gandhiji's doctrine of Swachh Bharath is based on two important proverbial statements such as a sound mind in a sound body and cleanliness is next to Godliness but also lead to disease less ness The health of the nation lies in the health of citizens and thus, the imperative need for all citizens to maintain healthy and clean in every walk of life. In the present day, such a standard of life is possible, if one is made free from environmental hazards and all kinds of activities which pose a danger to life. In a most appreciative decision of the Prime-Minister, Sri Narendra Das Modi in inaugurating a 'clean India' mission as a national campaign on 2/10/2015 at Raj Ghat, New Delhi by the Prime-Minister himself initiating action like sweeping public roads can be viewed as a great step towards its future accomplishment as a reality or in a way of fulfilment of Gandhiji's dream of 'clean Bharath'. It is equally memorable to observe that Gandhiji's Birthday is

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declared as 'Swachh Bharath day' – a day to be celebrated as a day to clean India and make Indian cities 'smart' in all its spheres by 2-10-2016 which will coincide with Gandhiji's 150th Birthday. There is no doubt it will be within our reach provided if people and the Government's in various States take up the 'clean India mission' as a permanent and continuous activity to be carried out with full commitment and dedication. The clean India Mission now known as 'Swachh Bharath Abhiyan' has the following objectives: -

- a. Eradication of manual scavenging;
- b. Elimination of open defecation;
- c. Conversion of unsanitary toilet to power flush toilet;
- d. Full disposal, processing, reuse and recycling of solid waste;
- e. Healthy sanitation practices to be followed by effecting necessary behavioural change in the people;
- f. Public health education to create awareness of the people about sanitation;
- g. Necessary support to be given by the Government in the matter of designing, executing and operating waste disposal systems;
- h. To provide for increased participation of private sector to meet the capital expenditure including operational and maintenance costs of facilities relating to sanitation.

Necessary guidelines were issued by the Government of India.

Judicial recognition of clean Bharat has been spelt out in a number of decisions. They are as follows:-

- a. Right to live in a proper environment free from the dangers of diseases and infection, was held to be a part of constitutionally guaranteed right under Art 21;
- b. Maintenance of health, preservation of the sanitation and environment would fall within the purview of Art 21;
- c. Clean surroundings would lead to healthy body and healthy mind;
- d. Unclean environment would lead to poisoning and reduces the life of a citizen on account of hazards created, if they are not effectively checked;
- e. Right to free enjoyment of pollution free water in sufficient quantity;
- f. Right to pollution free air for full enjoyment of life;
- g. Right of a citizen to remove the pollution of water or air detrimental to the quality of life on account of dangers which impair the quality of life;
- h. Statutory duty is cast on municipalities to provide scavenging and cleaning of cities;
- i. Smoking in public places has been held illegal and directions issued to prohibit the same;



- j. Hygienic environment is an integral facet of right to healthy life and right to life includes the right to good health;ⁱ
- k. Large scale withdrawal of water from wells by electronic pumps which upsetted fresh water equilibrium was held violation of Art
- l. Chronic exposure to polluted air by diesel exhaust and also misuse of residential premises for commercial use were held as violative of Art 21
- m. Forests constitute national assets and it plays a very important role in environmental issue, as apex court observed: “The present generation is answerable to the next generation, if deforestation is allowed to take place, as it would amount to violating inter-generational equity;
- n. Everyone has the right to prevent noise as pollutant reaching him;

The Supreme Court pointed out that the continuing decline in the quality of the environment and it showed a failure on the part of authorities to perform their obligations under the constitutional scheme.ⁱⁱ Art 51 A(g) of the Fundamental duties imposed a duty on all citizens, to protect and improve the natural environment includes forests, lakes, rivers and wildlife and to have compassion for living creatures. A new Directive principle of State Policy needs to be provided thus:-

“The State shall endeavour to promote clean environment by giving effect to the policy and programmes relating to Swatchh Bharath as may be provided by law from time to time”.

A new provision in the form of Fundamental duties be added to the following effect: “Every citizen is under a duty to promote the concept of ‘Swatchh Bharath’ and to render all assistance to public authorities in the implementation of programmes relating to Swachh Bharath and any omission on their part will be an offence punishable by law”.

Right to clean environment needs to be balanced with sustainable development. Protection and improvement of environment is one of the necessary tool to achieve sustainable development and requires to be implemented taking a pragmatic view. However, no developmental activity can pose a danger to life and health of the public.

II. SWACHH BHARAT VS LABOR REFORMS

The implementation of various programmes relating to Swatchh Bharath needs adequate finance approximately 1,34,000 crores, which includes converting waste into bio-fertilizer and useful energy forms. Various measures are initiated like income-tax deduction without any limit for contribution made towards ‘Swachh Bharath’. Imposition of special levy is also under contemplation. Corporate social responsibility on the part of corporate sector is also visualised. However, many labour reforms may be needed as follows:-

- a. Enactment of National Swachh (maintenance, regulation and development) Act for the following purpose:-
 - to lay statutory guidelines to give effect to achieving ‘clean India’;

- to deal with various fund raising issues for implementing the programmes;
- to provide solutions to various labour problems that may arise from time to time.
- b. When the public participates in a big way, some of the employees of Municipalities who were solely performing various activities relating to Swachh Bharath may face retrenchment or termination. How to protect their right to livelihoodⁱⁱⁱ will be one of the important concern for the Government. They may have to be given alternate employment such as we have seen in Bombay Slum Dweller’s case on a similar analogy;
- c. Members of the public, who participate in ‘Swachh Bharath’ activities like construction of Toilets etc., may have to be paid wages. The need to provide minimum wages for their services may have to be considered either on piece meal basis or otherwise;
- d. Those involved in such activities suffering from accidents during the course of employment may have to be considered for payment of compensation;
- e. The need for safety regulations for involving in public works have to be made throughout, by providing appropriate measures and for violations resulting in liability on the part of the State;
- f. The question of social security for such workers also needs special attention like Provident Fund, Pension, gratuity etc., The proposed law should take care of such things;
- g. The need for a special Swachh Bharath Tribunals also have to be considered to discuss various cases arising in this sector;
- h. Swachh Bharath should not become disputes, either in the policy formulation or in its execution;
- i. Trade unions may arise in this Swachh Bharath activities and to how best cordial relations should be maintained consistent with Human Rights of workers becomes crucial one;
- j. A special court is required to deal with offenders involved in acts or omissions relating to ‘Swachh Bharath’;
- k. Suitable committees may be established consisting of workers and Government authorities for implementing or to supervise periodically and check the work done. One of the important things relates to proper utilisation of funds and to avoid scams etc.;
- l. The need for introducing a subject on ‘clean India’ is to be taken up in all the syllabus of every course of instruction. This should be compulsory right from primary school level;
- m. Swachh Bharath Vidyalaya campaign should be activated and made effective in the school with the assistance of teachers, parents and public organizations;
- n. The programmes should lay emphasis on
 - complete removal of open defecation;
 - converting unsanitary toilets into flush toilets;
 - eradicating manual scavenging;
 - behavioural changes among public and

- solid waste management

- o. SBM should be regarded as permanent programmes to continue without any break in future.
- p. New provision relating to Directive Principles of State Policy and Fundamental duties as suggested is the urgent need of the hour.

III. CONCLUSION

Smart city concept is one of the growing perception which is supposed to be the solution for the daily problems as well as sustainable future. But due to the absence of guidelines and specific solutions to develop smart cities in India, there is a need for more research work to find out the parameters, classifications and procedures for the advancement of new cities on green field as well as the brown field developments.

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