



LAW MANTRA THINK BEYOND OTHERS

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WHAT A TOILET CAN DO!*

INTRODUCTION

India: 1.252 billion people. The world's second-most populous nation after China, India has the world's largest number of people going outdoors. Nearly 600 million Indians or 54% of the total population lack access to toilets or other sanitation facilities. The country which has more cell phones than toilets! In some states, the problem is so bad that village women started a slogan: "No toilet, no bride" also there were programs like "Right to Pee".

The majority of these numbers are made up by individuals who live in urban slum dwellers and provincial ranges. A vast mass in the rustic regions still defecates in the open. Slum dwellers in significant metropolitan urban communities live along rail route tracks and have no entrance to toilets or a running supply of water. India is as yet falling a long ways behind numerous nations in the field of sanitation. As per Harshal T. Pandve (2008), most urban areas and towns in India are portrayed by over-swarming, blockage, lacking water supply and insufficient offices of transfer of human excreta, wastewater and strong squanders. No significant city in India is known not a constant water supply and an expected 72% of Indians still need access to enhanced sanitation facilities. Other than this, the 63 percent of urban populace in India is without legitimate sanitation. The 11th five year plan imagined 100% scope of urban water, urban sewerage, and country sanitation by 2012. Despite the fact that interest in water supply and sanitation has seen a bounce in the 11th plan over the 10th plan, the objectives don't consider both the nature of water being given, or the maintainability of frameworks being put set up

To add to this, another grave issue which arises due to failure to provide adequate sanitation facilities is pollution caused to local water bodies and major rivers like Ganga as all this excreta flows directly in to the these water bodies thus polluting them. This can be easily gauged from the fact that Ganga which is considered to be one of the most religious rivers has become unfit even for taking a bath, leave aside statements of saints that drinking its water would have relieved anyone of all his pains and sufferings.

Sanitation & India

There can be a few responses to the inquiry, 'why sanitation is critical in individual and additionally public life?' A study directed by World Bank's 'South Asia Water and Sanitation Unit' evaluated that India loses Rs 240 billion yearly because of absence of proper sanitation facilities. The multilateral body said that unexpected deaths, treatment for the sick and loss of profitability and income from tourism were the fundamental components behind the huge financial misfortune. Poor sanitation is something that not just influences the wellbeing of the populace of the nation, additionally influences the improvement of the country. Indeed, ladies are most influenced by the dangers of absence of adequate sanitation. Case in point, in India larger part of the young ladies

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drop out of school on account of absence of toilets. Just 22% of them figure out how to try and complete class 10. On financial grounds, as indicated by the Indian Ministry of Health and Family Welfare, more than Rs 12 billion is spent consistently on poor sanitation and its resultant ailments. Also as can be observed from Indian society, especially from the rural component is that sanitation has not been a priority in their perspective. People get offended more often if their wife or daughter-in-law fails to follow the so-called purdah system than if she has to go to open land for defecation and other purposes. "Roti-kapda-makaan" (Food-Clothes-House) are considered to be the most important priorities for the people. However, one should not mislead himself by thinking that so called "house" priority includes toilet. As of now, toilet has never been a priority for these households.

Diseases brought about by germs and worms in excrement, squanders and poisons are steady wellspring of inconvenience for a huge number of individuals and animals. These sicknesses can bring about numerous years of disorder and can prompt other wellbeing issues, for example, lack of hydration (dehydration), weakness (anemia), and unhealthiness (malnutrition). Serious sanitation-related diseases like cholera can spread quickly, conveying sudden passing to numerous individuals. Children have a high danger of sickness from poor sanitation. While grown-ups may live with diarrheal infections and worms, children pass on from these diseases. More than 300 million scenes of intense looseness of the bowels happen consistently in India in kids underneath 5 years old. Of the 9.2 million instances of TB that happen in the world consistently, about 1.9 million are in India representing one-fifth of the worldwide TB cases. More than 1.5 million persons are contaminated with malaria consistently. Infections like dengue and chikungunya have risen in distinctive parts of India and a populace of more than 300 million is at danger of getting intense encephalitis disorder/Japanese encephalitis. 33% of worldwide cases tainted with filaria live in India. About 50% of infection cases recognized on the world in 2008 were contributed by India.

However, the country is striving towards development and sustainability; this was shown eminently by the "Abar Souchagar" (toilet for all) project in West Bengal's Nadia district, aimed at promoting sanitation, which has won the prestigious United Nations Public Service Award.

Sanitation in India: The Human Rights Context

The right to sanitation in India takes its legal basis mainly from the fundamental rights enshrined in the constitution of India and most importantly the fundamental right to life. Inadequate and improper sanitation scenario in rural India expose the ineffective realization of the right to sanitation and it is an impediment to the realization of a number of other fundamental rights guaranteed under the constitution. It also exposes the ineffective fulfilment of legal responsibilities by the government, including local bodies. These legal aspects of the right to sanitation are highlighted and discussed here.

(i) Right to sanitation as a constitutional right

The right to sanitation is a part of the fundamental right to life. Though the right to sanitation has not been included explicitly as a fundamental right under the constitution, the higher judiciary has interpreted it as a part of the fundamental right to life. The Supreme Court and various high courts have expanded the scope of the fundamental right to life under article 21 and read the right to sanitation as its inherent part. For example, the Supreme Court in a case concerning the use of a land reserved for open spaces for better sanitation, environment and recreational purposes held that the right to life encompasses within its ambit sanitation without which life cannot be enjoyed. Thus, the right to sanitation derives from the fundamental right to life under Article 21 of the constitution. The concept of sanitation as it is understood in India includes personal hygiene, home sanitation, safe water, garbage disposal, excreta disposal and waste water disposal. Sanitation in human rights terms means a system for the collection, transport, treatment and disposal or reuse of human excreta and associated hygienethus the right to sanitation demands a framework in which all the

above mentioned goals of sanitation shall be achieved without any discrimination as to any criteria such as caste, class and economic capacity. In the rural context, it particularly includes provision of safe and adequate toilet facilities for all, ensuring mechanism for proper disposal of solid and liquid wastes and complete eradication of manual scavenging. The right to sanitation envisages that everyone should be able to enjoy this right equally. The non-discrimination norm of the right to sanitation is highly relevant for rural sanitation in India because historically oppressed castes still suffer undue disadvantage in accessing sanitation facilities. A recent study estimated the overall sanitation coverage in the rural areas of the country as 34.8 per cent and the same for scheduled castes and scheduled tribes is 23.7 per cent and 25 per cent respectively. Therefore, these sections of the society need the benefit of the law most (in this case realization of the right to sanitation) to overcome their social and economic disadvantages. Being a constitutional right, the right to sanitation casts the primary duty upon the government to create conditions through legal and policy interventions so that everyone can enjoy the right. The government is also duty bound to take all possible measures and use available resources to make the right to sanitation a reality for all. The non-existence of sanitation facilities or differential facilities for different people indicates inadequate and ineffective fulfilment of the responsibilities of the government deriving from the right to sanitation.

(ii) Linkages with other fundamental rights

Proper and adequate sanitation is crucial for the realization of a number of fundamental rights enshrined under the constitution. Sanitation is directly linked to other fundamental rights, mainly the right to water, the right to health, the right to education and the right to clean environment. While the right to water, the right to health and the right to environment have been declared by the Supreme Court as part of the fundamental right to life under article 21, the right to education has been included as an explicit fundamental right (Article 21a). The link between sanitation on the one hand and water, health, education and environment on the other hand is apparent sanitation related diseases, early drop-out of girl students from schools and pollution of drinking water are some of the areas where this link is quite evident. Human rights documents recognize this essential link. For instance, adequate sanitation has been recognized as an important 'underlying determinant' of the right to health. Similarly, the inextricable link between the right to water and the right to sanitation has also been recognized. Thus, sanitation is one of the priorities to be addressed for the effective realization of other fundamental rights, particularly fundamental rights concerning health, water, education and environment.

(iii) Right to dignity

Dignity is one of the important non-negotiable facets of human rights and it is an integral part of the right to life. The right to life with dignity necessarily encompasses bare necessities of life. the term 'bare necessities of life' arguably includes proper sanitation facilities as the practice of open defecation or a life with polluted drinking water sources and environment cannot be considered as a life with dignity as understood in the context of the right to life under the constitution. The link between sanitation and dignity has a crucial gender dimension also. Dignity of life is meaningless when women in rural India wait for hours (until night) to go to the fields for defecation with the fear of being attacked and abused. Dignity of life is also meaningless when girl students give up their education primarily because of lack of sanitation facilities in schools. Similarly, the right to life with dignity comes to be questioned in the case of the ongoing practice of manual scavenging that involves removal of human and animal excreta using brooms, small tin plates, and baskets from dry latrines and carrying it on the head for disposal. Despite the legal prohibition of the practice of manual scavenging through the Employment of manual scavengers and construction of Dry latrines (Prohibition) act, 1993, it still prevails in various parts of

the country. The continuation of this practice highlights a number of issues. The practice of manual scavenging is incompatible with the constitutional provision abolishing untouchability (Article 17) as mostly lower castes (mainly women and young girls from these castes) are doing this work. It is also incompatible with the fundamental right to life under Article 21 of the constitution and the right to sanitation as it affects the health and dignity of manual scavengers. This practice also jeopardizes public health and the quality of the environment.

The New Initiative

Before the initiation of this program seminars will be conducted with compulsory participation of the whole village which will discuss and educate local people to ensure understanding of the new facilities and awareness of cultural aspects attached to such a sensitive issue. Self-help groups would be requested to engage in training volunteers to deal with toilet maintenance and the modern utilization process.

The innovation initiates a program where a village is targeted which has no access to toilets, and thus is prone to open defecation. Program would be a collaboration of the Indian government with the village people and other social organizations. However, largely the process would be a people driven initiative only. An area (mostly barren land) will be selected for the construction of the Eco-san cum Bio digester toilets. The construction will be assisted and supervised by government technicians who will be building these toilets in collaboration with village people.

“Women, generally being responsible for children and other dependents, are more affected by lack of sanitation and by indignity of living without sanitation...”

The problem has to be solved with taking small regions at a time. The program deals with construction of Eco-san cum Bio digester toilets. Ecological sanitation, is an approach which is characterized by a desire to safely "close the loop" (mainly for the nutrients and organic matter) between sanitation and agriculture. A biodigester is an airtight chamber in which anaerobic digestion of manure, biosolids, food waste, other organic wastewater streams or a combination of these feedstocks occurs. They are simple in design and can be built using local labor and materials. They use appropriate, sustainable technology and are operational at village level. They are built using eco-friendly materials and avoid the use of harmful chemicals for the treatment of human waste. They are self-contained and protect water sources from contamination. The programme will be a product of thorough examination and research; it will be assisted by government officials. Now there is this modern approach towards toilets as these are comprised of a raised platform above two chambers, one in use and one composting. The toilets would have two pipelines which segregates urine from the solid waste. It is a mixture of eco-san and bio digester thus there will be production of biogas, hydrogen gas, fertilizer, and possible conversion into electricity and water. The women toilets will be equipped with electronic machines which will provide them with free sanitary napkins; which would essentially be a product of Women self-help groups. Both men & women washrooms will be provided with washing and cleaning materials.

An industry plant will be set up which will mainly deal with the processing of the human waste which will be brought to it by an effective drainage system. This system will be carefully structured keeping in mind all other channels working. The washrooms will have separate compartments for bathing and washing as well, as just providing toilets will not be a satisfactory solution (especially for females). The program is set up for recreation of human waste. Statistics show that 40 percent of the people in India stored their urine to use it on their crops, the country's farmers could save \$26.7 million (1.2 billion rupees) in fertilizer expenses - Sridevi Govindaraj calculated when she completed her doctoral thesis in ecological sanitation at the University of Agricultural Sciences in Bangalore. Incidentally, she may be the only person in India with a doctorate in ecological sanitation.

Our bodies make about four to eight cups (one to two liters) of urine per day, and it's rich in nitrogen, potassium and phosphorus, the same elements that crops love. It's also pretty cheap to make.

One of the gases that lend human waste its stench is methane, which, as 13-year-old boys with matches worldwide must know, burns. A biogas digester collects methane as microbes produce it inside a closed container (oxygen can be deadly to microscopic methane-producers). With the right equipment, gas channeled from a container of waste could generate electricity, heat water for homes and industry and cook food on a gas range. Sanergy, the organization behind the useful bicycle modification that converts it into a latrine pump, also promotes biogas production from waste collected from urban communities in developing countries.

Everything done will be with the free consent of the villagers; a committee can be elected within the village for the governance of this program. Considering that panchayats (i.e. council of 5 elders of village given the power to deal with the administration of village) have been considered to be authoritative for centuries in India villages and are now also provided Constitutional status by way of Constitutional Amendment of 1992, they will have a crucial role to play in this whole scheme. The panchayats would aim at development of regional agenda for sanitation, establishing a system for operationalizing, focus on issue of sustainable sanitation, making it people centric, and considering its gender & legal aspects.

Execution of low-cost sanitation framework with lower endowments, more noteworthy family contribution, scope of innovation decisions, choices for sanitary buildings for ladies, provincial seepage frameworks, safety and awareness building, inclusion of NGOs and nearby gatherings, accessibility of fund, human asset advancement, and accentuation on school sanitation are the essential regions to be considered. Likewise adequate types of private support and open private associations, advancement of a sound sector strategy in Indian connection, and accentuation on sustainability with political responsibility are requirements to bring the change.

There will be two more modes of employment created by farming and industry (where there is no use of chemical but only natural production). As there will be huge production of fertilizer, a barren land will be targeted and it will be fertilized and used for plantation for environmental stability and also for natural products. (Exchange of fertilizer with organic seeds from government).

The new programme does not only deal with women sanitation but sanitation as a whole. This project does not only aim to eradicate the problems of sanitation but the following:

- It is an environmental friendly operation which prevents and somewhat generates water; prevents contamination of water resources by not letting the human waste being disposed off wrongly into them. They increase soil fertility through the addition of compost and urine, thus improving food crop yields. There is no risk to health from food crops grown this way. Hence, it does not prevent pollution caused by excreta but also acts as a preventer of pollution caused by artificial fertilizer and manures used by the farmers.
- It aims towards poverty alleviation by creating sustainable livelihoods as it provides income through sale of compost produced or through increased revenue from crop yields due to increased fertility, also through sale of industrial products which maybe natural reproduce or other commercialized items. As scheme proves to be successful and gets to be implemented in other villages, a coordinated cooperative structure might then be set up at district, state and national level to produce standardized goods. This program leads to economic benefits by the use of biogas for cooking or any other purpose, further by water saving through rain water harvesting and finally producing electricity through solar panels. All these all also the by-products created through human waste.

- Reducing health issues, as there is termination of defecating in open areas. Thus diseases like cholera, typhoid, infectious hepatitis, polio, cryptosporidiosis, and ascariasis will be reduced. Also it provides a safe way of dealing with human waste as the composting process kills pathogens. They dramatically reduce the spread of intestinal illness. They are hygienic and do not smell. The amount of expenditure which has to be spent on these diseases could then be used to deal with other major problems.
- Bring better standard of living and sustainable development throughout. The model is not only structured for better sanitation but it finally brings out better standard of life as it introduces a new mode of living which finally modernizes the society and break their illogical narrow myths. It also brings out a development cycle in the village where there is assignment of responsibility, opportunities for everyone and leading to rising development with group contribution.
- Rise in the rate of education. There will be an immense increase in the education rate especially of girl child due to hygiene education programs. A child's future is molded by its mother, thus the health of a mother is essentially important for a child's future. With the improvement in health and sanitation facilities mothers will now be giving more time to their children and their development.
- Women empowerment will be the centric goal of the mission. The main improvement will be due to reduction in crimes with women like rape and murder. Women are empowered through huge employment created through cleanliness services, production services, construction services, farming work etc. Also there will be introduction of women self-help groups which will deal with all women related problems. The right to proper sanitation for a woman will be adhered to.

There will have to be other provisions included for the proper sustenance of this program; also the following points have to be kept in mind for incorporation of the sustainable development of the village which are essential for the current program:

- Payment in kind in spite of cash: As regards the payment to be made for toilet instead for going for a cash based regime, people using toilet can be required to submit fixed amount of bio-degradable waste especially cow dung etc. This can be used to produce electricity for the toilets so that they remain functional at night as well. Or else those who are willing can do cleaning job or work in the biomass project for electricity generation.
- Solar empowered toilets: Toilets can be solar panels empowered. So that they remain accessible even in the night. Hence dual source of electricity generation would be there i.e. bio-mass and solar panels. In the long run, when these toilets reach economic feasibility, CCTV's can be installed outside these facilities to see to it that security concerns of women are properly addressed.
- Woman Self Help Groups for supply of sanitary pads: Women self-help groups can engage in production of sanitary pads which will be provided free for the electronic machines in their washrooms. Later, on increase in production they can start up a commercial export for it. Initially their cost may be little unreasonable but with time they might fall as more and more consumers and suppliers attach to this practice. Loans can be sanctioned from various national banks or other micro-finance institutions.
- Exchange of fertilizer with organic seeds from government: Resultant waste from biomass project can be used to produce organic fertilizer which might then be exchanged with the appropriate provincial or Central government for organic seeds. For this government can be requested to have a mandatory provision in their procurement guidelines regarding procurement of a certain percentage from these utilities.
- Utilization of seeds for cooperative based plantation regimes: These seeds would then be utilized in growing trees and the resultant fruits and other minor forest produce would then be distributed to the people of the village or can be utilized for commercial purpose.

Hence it would lead to increase in the nutritious content of rural dwellers and would be a major contributor towards economic increment.

- Use of waste from bio-mass project for pests and fertilizers: Unused and un-exchanged fertilizers can be directly used in, discussed in the above mentioned point.
- Rain water harvesting system for water supply: Attempts would be made to ensure that there is a proper water harvesting system for supply of water. This water can be used for toilet cleanliness and other ancillary purposes.

These following challenges have to be tackled during and after the completion of the project:

- Prevention of contamination of water in distribution systems.
- Growing water scarcity and the potential for water reuse and conservation.
- Implementing innovative low-cost sanitation system.
- Providing sustainable water supplies and sanitation for rural areas.
- Reducing disparities within the regions in the country.
- Sustainability of water and sanitation services.

The approach would be toilet-for-all. In India and most pertinently, in the rural areas caste system (division or compartmentalization of people on basis of their professions and birth) has been a scar for India for ages. Toilets would be equally accessible to all at once. At the government schools, children would be encouraged and motivated to discuss with their parents that if they can sit together and study with children of other castes; they and their parents can also use same toilets with other people without any hesitation. This would help in achieving the real cleanliness, both in terms of physical as well as mental and societal level. For caste division will not end at once and there will no doubt be impediments but still such a step would be a major step forward and not backward. Also there will be less disparity between the states now due to implementation of better facilities. The targeted village will be striving for more and more development which will finally result in its equality with more advanced states. There will be equality in education for both boys and girls, as girls will now not be hesitating in attending schools all the time. India is a country where a religion hierarchy still continues, there prevails a superiority of one religion over other and along comes their traditional misbeliefs. The initiative will bring all these religions to a single platform and thus will try to eradicate their mythical superiority complex.

Cost would be around 55 lakhs for a village with a population of about 1000. There would be construction of 100 toilets, which will be in ratio of the population of male and female. It would include land, building cost, labor wages, installation of small bio-mass stations and small fertilizer stations etc. All of these will have to be connected through a proper chain, i.e. eco-san toilet to bio-mass station to fertilizer station to closed dumping pit built of concrete base so that waste doesn't pollute the land. Building costs would include building toilets, getting solar panels installed, arranging for adequate water supply which would include installing rain water harvesting system. Adequate designed machinery for sanitary napkins will have to be kept. Toilet cleaners and soaps for hand wash will also have to be acquired. The time frame would be 9-12 months as providing environmentally-safe sanitation to millions of people is a significant challenge, especially in the world's second most populated country. The task is undoubtedly difficult in a country where the introduction of new technologies can challenge people's traditions and beliefs.

There would be diverse backgrounds from which attempts would be made to mobilize resources. Note should be made that components like solar panels would largely remain a one-time investment apart from nominal maintenance charges. Same would apply to rain-water harvesting system. Bamboo can be used as an alternative for pipes. With regards to sanitary napkins and soaps, women self-help groups would be incentivized and encouraged to produce low-cost sanitary napkins and organic soaps. Bio-mass installation would also be a one type installment. Barren land can be used for building these toilets or else panchayats and local authorities can be

requested to provide land free of cost or at a very nominal cost. Fertilizer would be exchanged with organic seeds from the government's side. Government would also be a major contributor to all the other contingent needs. NGOs would also play a substantial part in funding and managing and training personnel. Funds can also be mobilized from MPLAD (Member of Parliament Local Area Development) Scheme. To add to all these Companies Act, 2013 makes provisions for Corporate Social Responsibility for certain corporate entities satisfying the criteria. Provisions require preferential investment to be made in the local areas near these industries. Funds can be mobilized from these as well.

Conclusion

A key test will unavoidably rest with the need to guarantee that all individuals have the capacity to draw in with society and advantage from the conceivable outcomes characteristic in contemporary life and along these lines that all individuals are incorporated, independent of their social characteristics.

It would require participation of people from diverse backgrounds. Right from the top most executive (Prime Minister of India encouraging people to be a part of the initiative through his radio show "Mann ki baat") to the executive at the bottom of the govt. machinery (Asha Tai i.e. the maid in rural areas responsible for maternal health and child care). NGOs would also be involved in the project. Children will form a unique part of this initiative as they can motivate and encourage their parents to be a part of the initiative. Self-help groups would play a major role as they consist primarily of women and would be of a great help in both funding the initiative and encouraging and educating the women and men as well. Sustainable sanitation enterprises such as Sanergy in Kenya, SOIL and Re.Source in Haiti, Loowatt in Madagascar and x-runner in Peru are some organizations which are working for alike scenario. These can also be approached for assistance or information.

Truth be told this speaks to a litmus test of good local administration in general. In the event that local governments are to react to the test of social incorporation, they will need to reinvigorate, refocus, reclassify standards and recover the participatory procedure that first brought them into being instead of attempting to distinguish or uncover some new course. The need to connect with effectively with every single potential partner is clear. Everybody must be urged to partake and organization must be encouraged. The genuine test for government lies, not just recognizing and including every single significant performer, but rather in the need to support a genuine level of engagement in the process among possibly hesitant parties.

It is time to recognize that human capital and natural capital are every bit as important as financial capital. It is time to invest in people... Clearly we must unite around a shared vision for the future – a vision for equitable human development, a healthy planet, an enduring economic dynamism. – Ban Ki-moon, UN Secretary General.

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