



# Rural Sanitation in India: Law and Policy Framework

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# Sanitation landscape in rural India

- Open defecation - around 74%
- Manual scavengers - over 700,000 Indians belonging to lower castes
- No system for disposal of solid and liquid waste
- Implications
  - Right to health
  - Right to education
  - Dignity
  - Physical and sexual attack on women while going for open defecation



# Concept of sanitation

Sanitation beyond toilets

Personal hygiene, home sanitation, safe water, garbage disposal, excreta disposal and waste water disposal.



# Constitutional framework

- Sanitation is a state subject: Entry 6 of List II - ‘public health and sanitation’
- 73<sup>rd</sup> Amendment – Art. 243 G, Eleventh Schedule
- Article 47 (DP: improvement of standard of living and public health)
- Article 21 (fundamental right to life)
  - Right to sanitation



# Statutes

- Panchayat laws, Water supply and sewerage laws
  - Enabling laws
- Environmental law
  - Waste disposal
- Law prohibiting manual scavenging
  - Provisions relating to sanitation facilities such as water-seal latrines and public toilets



# Policy framework

- Central Rural Sanitation Programme – 1986
  - Supply oriented approach - Subsidy
- Total Sanitation Campaign – since 1999
  - Demand oriented
- *Nirmal Bharat Abhiyan, 2012*
- Provision of Urban Amenities in Rural Areas (PURA)
  - Public-Private Partnership



# Policy approach

- From supply to demand
  - Subsidy to incentives
- IEC (Information, Education and Communication)
  - Awareness creation
  - School sanitation
- Incentive mechanism
  - *Nirmal Gram Puraskar*
  - Penalty for open defecation
- Market based approach
- Privatisation



# Institutional framework

National level	Ministry of Water Supply and Sanitation National Drinking Water & Sanitation Council Central Pollution Control Board	Policy making, funding, monitoring, inter-sectoral convergence Prevention and control of pollution
State level	Nodal Department/Ministry State Water and Sanitation Mission Communication and Capacity Development Unit State Pollution Control Board	Funding, training, communication campaign, capacity building, M&E Prevention and control of pollution
District level	District Water and Sanitation Mission	Coordination at the district level
Block level	Block Resource Centres	Awareness creation, motivation, mobilisation and training
Village level	Gram Panchayat Village Water Health and Sanitation Committee <i>Swachchhata Doot</i>	Service delivery, implementation of sanitation schemes



# Law and policy issues

- Statutory recognition of the right to sanitation
  - Right to sanitation –contents and enforceability
  - Government responsibilities (PRI laws and Directive Principle of State policy) – powers and functions; not duties
- Manual scavenging in the sanitation framework
  - Link between manual scavenging and sanitation
  - Proposal for change (NAC recommendation)



# Contd.

- **Rights of sanitation workers**
  - Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012
- **Gender dimensions**
  - Dignity
  - Safety
    - Sexual attack/rape – including minors
    - Ignoring the sanitation aspect
  - Right to education
- **Implications on powers and roles of PRIs**
  - Private sector participation (PURA)
  - Ad-hoc project offices take over PRIs (e.g. Swajal office in Uttarakhand)
- **Need for a rural sanitation policy**