

# The Right to Sanitation: Translating the Right into a reality

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# BACKGROUND

## ***Design and implementation of research in India (plus Kenya and South Africa) on the Human Right to Safe Drinking Water and Sanitation***

- Objective: to realize the right to sanitation
- Research Team: Philippe Cullet (SOAS, UK), Sujith Koonan (India) & Lovleen Bhullar (India)



# KEY COMPONENTS

## **Assessment of national-level legal and policy frameworks (India, Kenya and South Africa)**

- to understand rationale and approaches & to identify gaps
- to examine links with other rights (eg water, education, health)
- to contribute to mutual learning process

## **Implementation of State-level legal and policy frameworks (Kerala, Rajasthan and Uttar Pradesh)**

- to evaluate local-level implementation mechanisms
- to identify best practices, implementation challenges & gaps
- to examine potential of on-going Central/State government programs and schemes (eg MGNREGA, RAY)



# KEY COMPONENTS: GENDER PERSPECTIVES

- Constitution of India
  - Article 21 - Supreme Court's broad interpretation – includes right to sanitation
- Laws governing local bodies
  - Eg Panchayat laws
- Policies for rural sanitation
  - Eg Nirmal Bharat Abhiyan
  - Limits of criminal laws
- Social dimension
  - Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013)
- Provision of toilet facilities in schools
  - Article 21A of the Constitution
  - Right of Children to Free and Compulsory Education Act (2009)
  - Supreme Court's direction (2012)



# KEY COMPONENTS: GENDER DIMENSIONS

- Use of existing legal instruments to access information and participate in decision-making
- Reduce corruption
- Increase accountability and transparency
- Increase avenues for public-participation in decision-making processes
  - eg Right to Information Act, 2005
    - RTI requests
  - Eg state-level Public Service Acts
    - Time-bound delivery of public services
    - Punishment to errant officials



# PROCESS & MILESTONES

## **Sensitize policymakers and other stakeholders**

- Desk-based review
- Fieldwork in three States
- Written outputs, state-level learning events & national workshop
  - to enhance understanding about legal & policy mechanisms

