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
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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

• 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