

ENVIRONMENTAL LAW AND HUMAN RIGHTS: OPEN DEFECATION IN INDIA

Shubhi Agarwal*

ABSTRACT

When we talk about environmental law, we focus on the laws which protect environment. These laws address the effects of human activities on the environment. And human rights are the rights which are inherent to all human beings. The right to Environment has been treated as a human right. Open defecation? Ever heard of it? Most of us have at least "seen" it, if not "been party to it" ever. Author tries to convey that Sanitation is a global development since over 1.1 billion people have no sanitation facilities at all and practice open defecation. The author believes that for sanitation to improve, the lives of people will have to improve, and the overall human development indicators have to improve. The problem of open defecation can only be dealt with a constant combined effort, both at an individual level and at a community level. Author also focuses on how the the practice of open defecation takes away the most fundamental rights of people and discusses various case laws and the legal aspects of the concerned problem. One part of the essay deals with how the country's development gets hindered and how it should create a deterrence in order to overcome this practice. The various United Nations MDGs remain unaccomplished with this ongoing problem. The essay also deals with the causes and effects of the Environment Change on the Earth and Human Society and tries to discuss the solutions of those problems.

The practice of open defecation which is common in the rural areas and urban slums is being accepted as "part of our culture". It might not have bothered us really before. However, with the

* Student. Hidayatullah National Law University, Raipur, India. Email: agarwalshubhi06@gmail.com

contraction of "open" spaces in the rural areas and the increasing population density in cities, "shit" now refuses to get "out of sight, out of mind". The UN declared in 2010 that access to water and sanitation are human rights, but billions of people around the world are a long way from realizing these rights. According to World Health Organisation, open defecation is the "riskiest sanitation practice of all." It is estimated that 2.6 billion people live without proper sanitation. Over 1.1 billion people have no sanitation facilities at all and practice open defecation: they go to the toilet behind bushes, in fields, plastic bags, ditches or along railway tracks. According to the United Nations, about 82 percent of the 1.1 billion people practising open defecation live in just 10 countries: India, Indonesia, Pakistan, Nigeria, Ethiopia, Sudan, Niger, Nepal, China and Mozambique.¹In this world of modernization and globalization when every country is striving to develop more and more, the practice of open defecation remains a dark patch to a country's development. Open defecation is defined as defecation in fields, forests, bushes, bodies of water or other open spaces.² This definition has been criticized for being too narrow, and WASH United, a CSO headquartered in Berlin, has proposed to UNICEF/WHO that open defecation be defined as any form of defecation that does not ensure the separation of excreta from human contact; that does not prevent reentry into the household environment and that is not safe.³ Open defecation is practiced all over the world in nature or camping type situations and represents no health and environmental problems when done in sparsely populated settlements and when the "cat method" is used, i.e. covering the feces with some soil, leaves or sand. During war times, soldiers may use this option. It is often the method of choice for hikers and campers in remote areas. However, open defecation becomes a significant health problem and an issue for human dignity when it occurs in more densely populated areas, such as in larger villages or in urban informal settlements in developing countries. Here, the practice is usually associated with poverty and exclusion. In 1925, Gandhi wrote that sanitation is more important than political independence.⁴ During the colonial era inequitable access to sanitation and failure to manage urban growth resulted in illegal settlements and slums. In the most developing countries the open defecation is the 'way of life'. The habit of

¹ <http://ourworld.unu.edu/en/un-vows-to-eliminate-open-defecation-by-2025>

² Water, Sanitation and Hygiene (WASH), available at http://www.unicef.org/media/media_45481.html

³ UNICEF/WHO: Consultation on draft long list of goals, targets, indicators Comments from WASH United, available at http://www.wssinfo.org/uploads/formhandler/comment/120920_Comments_WASH_United.pdf

⁴ Jason Gale, India Failing to Control Open Defecation Blunts Nation's Growth, (2009) http://www.bloomberg.com/apps/news?sid=aErNiP_V4RLc&pid=newsarchive

open defecation is inseparably integrated in the day to day life of the people especially in the rural areas and urban slums of India. The practice is considered as most serious health and environmental hazard. (WHO Fact Sheet, 2014). It is harder to bend the iron mind of people with regard to open defecation, which they feel that they practice over many generations. India has been unable to improve the situation even after independence, especially for the poor who lack access to essential mechanisms for effectively challenging the government or demanding facilities.⁵ Today, 1.1. Billion people practice Open Defecation worldwide, out of which 626 million are Indians.⁶ This includes over half the population of India.⁷ Only 35 percent of household in India have access to improved toilets.⁸ Hardly 25,000 out of 6 lakh villages in India are free from open defecation.⁹ 18% of urban India still defecates in the open while the percentage in rural India is as high as 69%.¹⁰ So open defecation is a big hindrance to India's journey to development.

We talk about Indian Constitution as being the longest written and the most vivid constitution in the world but we disregard the most basic fundamental rights it guarantees if we are commencing the practice of open defecation at any level or are being silent to this topic. The government has a duty to protect, promote and enforce fundamental rights. Article 21 of the Indian Constitution guarantees Right to life to all its citizens which has been interpreted as right to life with dignity. Open defecation violates this right directly. In *Pitam Para SudharSamiti vs. Union of India* (2002) the Delhi High Court stated that [open defecation] is not in keeping with human dignity. Violation of the dignity of human beings infringes Article 21 of the Constitution. Defecation and urination cannot be allowed to take place in open places which are not meant for these purposes.¹¹ The case involved removal of the Jhuggi Jhopri Clusters in Delhi and resident rehabilitation. The court determined that wherever the JJ clusters are relocated and JJ colonies have come up,

⁵Kilian Christ, Sanitation in Indian Cities- A Neglected Issue, <http://www.waterandmegacities.org/sanitation-in-indian-cities-a-neglected-issue/>

⁶ Centre for Legislative Research and Advocacy, Open Defecation: This is also your business! *Policy brief series No. 20*, 2013, August-September. Available at <http://www.clraindia.org/include/ODpolicybriefFinal.pdf>

⁷*id*

⁸*id.*

⁹*Id.*

¹⁰*Id.*

¹¹*Pitam Para SudharSamiti vs. Union of India* (2002) available at <http://indiankanoon.org/doc/842898/>

proper civic amenities and other facilities must be provided. If we consider the darkest side of the practice of open defecation we discover that among everyone, women are being disproportionately impacted. Women and young girls face sexual harassment, insult, shame and insecurity while defecating in open. It thus poses a serious threat to the safety of women and girls who are forced to defecate in the open. Sometimes during night they are forced to defecate at places which are far away from their residents. This has resulted into a greater number of rape cases and sexual harassments. Also the right to education as guaranteed by Article 21-A is also violated. On August 4, 2009, the Parliament of India enacted the Right of Children to Free and Compulsory Education (RTE) Act, under the Article 21 Right to Life described in the Indian Constitution. The RTE Act recognizes that every child has a right to a full time elementary education of satisfactory and equitable quality in a formal school.¹² The Supreme Court ruled that separate toilets for boys and girls as well as drinking water facility were integral to a right to education and ordered that all schools, including those run by minority community, must make provisions for such facilities. Most girls stop attending schools when they start menstruating because of the inaccessibility to the toilets in the schools. By failing to ensure access to toilets, the government shows a disregard for the dignity of marginalized people residing in the slums, a violation of the right to equality before the law as guaranteed by Article 14 of the Indian Constitution. Sanitation, both in private and public life, is the joint responsibility of the individual, community and state. Sanitation is the first step towards achieving the goal of optimal public health. Infact Prime Minister Narender Modi has focused on the goal of sanitation and cleanliness as one of his top notch priorities in the race to the national development. In his election campaign, Modi has focused on “Toilets before Temples”. The Ministry has prepared the note after Prime Minister Narendra Modi, in his Independence Day speech, laid stress on "dignity of women" and pitched for making provisions for building toilets wherein women should not defecate in open. The note says separate toilets at school mean more girls are likely to attend and continue even after puberty to complete their education. According to a parliamentary panel report tabled in the Lok Sabha recently, the practice of open defecation in India is due to combination of factors, the most prominent of them being the traditional behavioural pattern and lack of awareness of people about the associated health hazards. In its report on Drinking Water and Sanitation, the Standing Committee on Rural Development even noted the fact that

¹²<http://mhrd.gov.in/rte>

sanitation is mainly a mindset issue based on socio-cultural issues and habit.¹³ Open defecation also results in the spreading of a number of diseases when the human excreta comes into the direct contact of the food by the way of flies etc. This leads to the birth of deadly diseases like diarrhoea, malaria, hepatitis causing pathogens and other sanitation-related diseases. Open defecation is a leading cause in diarrheal deaths, which also contributes to malnourishment. The World Bank has identified lack of adequate toilet facilities as one of the major contributors to malnutrition in India.¹⁴ In India, it is estimated that 100,000 tons of human excrement are left in fields, on riverbanks, and along roads.¹⁵ Jamie Batram, head of the World Health Organization water, sanitation, hygiene and health group, explains, “if you’ve got feces all around you, it will find its way into your mouth.”¹⁶ In September 2008 the Ministry of Urban Development concluded that everyone in Indian sits at risk of consuming human faeces, if they’re not already.¹⁷ Poor sanitation disproportionately affects children. India is home to the largest number of children in the world—nearly 500 million Indians are less than 18 years of age.¹⁸ Every day 1,000 children younger than 5 years old die in India from diarrhea, hepatitis causing pathogens and other sanitation-related diseases.¹⁹ Systematic review suggests that improved sanitation can reduce the rates of diarrheal diseases by 32-37%.²⁰ Open defecation is a leading cause in diarrheal deaths, which also contributes to malnourishment. Batram describes the cyclical relationship between malnourishment and diarrhea saying, “malnourished children are more susceptible to diarrheal disease, and with diarrheal disease they become more malnourished.”²¹ This is because with fecal infections in the stomach, absorption is reduced by the atrophied villi and intestinal

¹³ www.thehindu.com/news/national/open-defecationfree-country-became-national-slogan-in-2014/article6744469.ece

¹⁴ BinduShajanParappadan, *Lack of Toilets Proves a Serious Threat to Women’s Safety*, <http://www.samachar.com/Lack-of-toilets-proves-a-serious-threat-to-womens-safety-ogbaLDfhcia.html>.

¹⁵ Jason Gale, *India Failing to Control Open Defecation Blunts Nation’s Growth* (2009) http://www.bloomberg.com/apps/news?sid=aErNiP_V4RLc&pid=newsarchive

¹⁶ id

¹⁷ id

¹⁸ Aidan Cronin, *The open Defecation Challenge in India*, <http://www.livemint.com/Opinion/jKhC3zU65OemX3USdJGyGI/The-open-defecation-challenge-in-India.html>

¹⁹ id

²⁰ Centre for Legislative Research and Advocacy, *Open Defecation: This is also your business!* Available at <http://www.clraindia.org/include/ODpolicybriefFinal.pdf>

²¹ Jason Gale, *India Failing to Control Open Defecation Blunts Nation’s Growth*, (2009) http://www.bloomberg.com/apps/news?sid=aErNiP_V4RLc&pid=newsarchive

parasites.²² The World Bank has identified lack of adequate toilet facilities as one of the major contributors to malnutrition in India.²³ According to the International Food Policy Research Institute, India has the highest childhood malnutrition rates in the world with 44 percent of children in India under the age of 5 being underweight.²⁴ Children who are exposed to fecal matter have been found to have stunted growth compared to children with less exposure.²⁵ The international variation in open defecation explains 54% of the cross-country variation in the height of children under three years old.²⁶ The countries where many people defecate openly are the same countries where the most children are stunted, and the average child is the shortest. Lack of sanitation facilities also disproportionately impacts women's health. Women who practice open defecation can only relieve themselves at very specific times. They value modesty and safety, both of which are compromised by defecating in a highly populated area in the view of loitering men. Many women wait until after sunset, or early in the morning before searching out a place to defecate. Resisting the urge to urinate for prolonged periods of time can result in serious health impacts, such as bladder and kidney infections. The practice also renders pregnant women more prone to illness and infections. Pregnant women face specific problems associated with open defecation. It is difficult and uncomfortable for them to travel to the railway tracks to defecate, particularly in the later months of their pregnancy. It is hard for them to find private places to relieve themselves because pregnancy compromises their ability to wait until night or morning hours to defecate. The lack of improved sanitation largely contributes to the fact that a child dies every 2 and a half minutes from preventable diarrhoeal diseases. It also impacts vulnerable populations such as persons with disabilities and women, who are more exposed to sexual violence. Lack of private toilets in schools is a major reason why girls do not continue their education once they enter puberty. Poor sanitation and water supply also result in economic losses estimated at \$260 billion annually in developing countries.

²² Centre for Legislative Research and Advocacy, *Open Defecation: This is also your business!* Available at <http://www.clraindia.org/include/ODpolicybriefFinal.pdf>

²³ BinduShajanParappadan, *Lack of Toilets Proves a Serious Threat to Women's Safety*, <http://www.samachar.com/Lack-of-toilets-proves-a-serious-threat-to-womens-safety-ogbaLDfhcia.html>.

²⁴ *id.*

²⁵ *Id.*

²⁶ Dean Spears, *Policy Lessons from Implementing India's Total Sanitation Campaign*, India Policy Forum 2012, http://www.ncaer.org/popuppages/EventDetails/IPF_2012/DeanSpears.pdf.

Open defecation hinders a country's development as well. On economic grounds, inadequate sanitation costs India Rs 2,70,000 crores in 2010, according to the World Bank Report.²⁷ Costs related to poor sanitation burden India's underfunded public health system. In *Municipal Council, Ratlam vs. Vardhichand*, AIR ((1980) SC 1622)²⁸, the Supreme Court considered the question whether the trial court could direct the Ratlam Municipality, located in Madhya Pradesh, to draft a plan within six months for the removal of nuisance caused by the open drains and human excreta littering the roads. The Hon'ble Supreme Court held that the trial court could compel a statutory body to carry out its duties to the community including creation of sanitary conditions in the city. The Hon'ble Court held, "a responsible municipal council constituted for the precise purpose of preserving public health and providing better finances cannot run away from its principal duty by pleading financial inability. Decency and dignity are non-negotiable facets of human rights and are a first charge on local self-governing bodies. Similarly, providing drainage systems not pompous and attractive, but in working condition and sufficient to meet the needs of the people cannot be evaded if the municipality is to justify its existence."²⁹ Right to environment is given a status of fundamental right. The Supreme Court in *Subhas Kumar V. State of Bihar* (AIR 1991 SC 420) held that right to environment is a fundamental right of every citizen of India and is included in the "right to life" guaranteed under Article 21 of the Constitution of India. A Public Interest Litigation (PIL) is maintainable in the High Court or Supreme Court at the instance of affected persons or even by a group of social workers or journalists for prevention of pollution. The state has a responsibility to protect and preserve environment under Article 48 A of our constitution. Also according to the Environment Protection Act, 1960 it is the duty of the government to protect and improve the environment. In *State of Punjab and Ors. vs. Mohinder Singh Chawla* ((1997) SCC 83)³⁰. The Hon'ble Supreme Court holds that the right to health is included in Article 21, the Right to Life. "It is now settled law that right to health is an integral to right to life."³¹ Under International law, a State is obliged

²⁷ Centre for Legislative Research and Advocacy, *Open Defecation: This is also your business!* <http://www.clraindia.org/include/ODpolicybriefFinal.pdf>

²⁸In *Municipal Council, Ratlam vs. Vardhichand*, AIR ((1980) SC 1622)²⁸,

²⁹ *Municipal Council, Ratlam v. ShriVardichand& Ors* ((1980) SC 1622) available at <http://indiankanoon.org/doc/440471/>

³⁰*State Of Punjab & Ors vs Mohinder Singh Chawla Etc* on 17 December, 1996

³¹<http://indiankanoon.org/doc/1569214/>

to adopt appropriate measures which also includes measures on public health. In *People's Union for Civil Liberties vs. Union of India & Anr.* ((2005 SCC 105) the Hon'ble Supreme Court recognizes that the Government of India ratified the International covenant on Economic Social and cultural Rights (ICESR) which guarantees the right to the highest attainable standard of health (Article 12).³² India is a signatory to many international conventions which impose a duty over the state to meet the requisite goals. For instance India is a party to the 8 developmental goals set by United Nations as the "Millenium Development Goals". The practice of open defecation renders many of the MDGs unaccomplished. arget 7c, set under Millennium Development Goals (MDG) 7, seeks to halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation (based on 1990 data). The World Health Organization (WHO) terms inadequate toilet facilities as a major health hazard.³³ Without proper disposal, flies feed on excreta and carry particles of it around dropping bacteria on to surfaces when they land. Children inevitably play in areas covered in waste. Ultimately, in communities where open defecation is the only option, faecal matter comes into contact with the food. Human faeces, when ingested, can lead to typhoid, cholera, hepatitis, polio, pneumonia, fatal worm infestation, trachoma and impaired cognitive function.³⁴ A single gram of human faeces contains as much as 1,000 parasite cysts, 10,000,000 viruses, 1,000,000 bacteria and Parasite eggs.³⁵ The solution to the problem of open defecation cannot be solved by only providing enough number of toilets and ensuring people's accessibility to them but by emphasizing on the total behavioral change of the people. People should be made more aware and should be convinced to willingly opt for toilets instead of clearing their bowels in the open which has a far reaching effects on their health. The awareness should be in the essence of making people understand the benefits of using toilets rather than a mere speech on "toilets should be used". Obviously it will take much needed effort to get rid of the practice which is being followed from the times immemorial. The problem of toilets can also be solved by

³²ICESCR, GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966); 993 UNTS 3; 6 ILM 368 (1967)

³³ BinduShajanParappadan, *Lack of Toilets Proves a Serious Threat to Women's Safety*, <http://www.samachar.com/Lack-of-toilets-proves-a-serious-threat-to-womens-safety-ogbaLDfhcia.html>.

³⁴ Dean Spears, ArabindaGhosh, Oliver Cumming, *Open Defecation and Childhood Stunting in India: New Data from 112 Districts*, <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0073784>

³⁵Toilets—The Facts, *New Internationalist Magazine*, 2008, available at <http://newint.org/features/2008/08/01/toilets-facts/>

providing bio toilets or mobile toilets. As the name suggests these type of toilets help in waste management at the same time providing accessibility to toilets to a larger number of people. These toilets occupy little space and also ensure clean environment. The practice of manual scavenging which is still prevalent in villages also comes to an end with these toilets. These toilets are maintenance free and also generate bio gas which is a useful fuel. Also , bio toilets are very durable and promote health and hygiene. A strong commitment is needed to end this practice of open defecation. November 19 is celebrated as World Toilet Day as initiated by United Nations to spur the world regarding this silent topic and to raise awareness about their right to proper sanitation. World Toilet Day is a day to take action. It is a day to raise awareness about all people who do not have access to a toilet - despite the human right to water and sanitation. It is a day to do something about it.³⁶Sanitation is a global development priority. This is why the United Nations General Assembly in 2013 designated 19 November as World Toilet Day. This day had previously been marked by international and civil society organizations all over the world but was was not formally recognized as an official UN day until 2013. World Toilet Day is coordinated by UN-Water in collaboration with Governments and relevant stakeholders. The Indian government has come up with many schemes to improve the condition of sanitation in the country both at the rural and urban level. Total Sanitation Campaign, Nirmal Bharat Abhiyan, Nirmal Gram Puraskar, Central Rural Sanitation Programme are some of the initiatives taken by the government. These schemes had a positive impact and have helped reduce the problem but the problem of open defecation is still perpetuating. The goal of the Nirmal Bharat Abhiyan is to achieve 100% access to sanitation for all rural households by 2022.³⁷The Mahatma Gandhi National Rural Employment Act (abbreviated as NREGA) aims at enhancing the livelihood security of people in rural areas by guaranteeing one hundred days of wage-employment in a financial year to a rural household who volunteer to do unskilled work.³⁸Convergence between the Nirmal Bharat Abhiyan and MNREGA scheme occurred in the financial year 2012-13.³⁹ About 13787 toilets have been constructed post convergence of the

³⁶ <http://www.unwater.org/worldtoiletday>

³⁷ Centre of Legislative Research and Advocacy, *Open Defecation: This is also your business!* Available at <http://www.clraindia.org/include/ODpolicybriefFinal.pdf>

³⁸ Mahatma Gandhi National Rural Employment Guarantee Act, available at <http://www.nrega.net/>

³⁹ AvnishSinha, Convergence Glitches for 'Nirmal Bharat' in State, *the Pioneer*, at <http://www.dailypioneer.com/state-editions/ranchi/convergence-glitches-for-nirmal-bharat-in-state.html>

project with MNREGA.⁴⁰ More than Rs 250-crore has been spent on NBA since inception.⁴¹ Under this scheme the DWSD provides Rs 10-lakh to the Village Water and Sanitation Committee for toilet construction.⁴² So far about 93.37 percent of schools, 66.7 percent of Anganwadi centers, 46.02 percent households and only 312 community complexes have been made.⁴³ The project involves a financial incentive for private households to build private latrines. About 63.75 percent BPL households and only 16.60 percent APL households are covered under the project.⁴⁴ Since 1986, India has spent over \$3 billion on constructing toilets across the country, figures from the Ministry of Drinking Water and Sanitation show. Despite such massive investments by the government, India still lags behind many poor nations in sanitation. The Indian government is now gearing up to spend an additional \$31 billion (Rs.1.9 lakh crore) over the next five years through the Swachh Bharat mission. To bring out the positive results, the emphasis should be made on how these schemes have been implemented. Under Swachh Bharat Mission as initiated by Prime Minister Narendra Modi, 100 million toilets will be constructed in rural areas in next five years. As past experience suggests, only constructing toilets won't help. Instead those toilets should be used by people. Many a times it is seen that people defecate in open inspite of having accessibility to toilets because they consider defecating in open as their right. Where toilets do exist, additional inequalities present in usability. Toilets generally remain inadequate for populations with special needs, such as the disabled and elderly, and women and girls requiring facilities to manage menstrual hygiene. Without accessible toilets for these populations, they remain excluded from opportunities to attend school and gain employment.

The problem of open defecation can be eradicated if we focus on four major issues of concern: (A) complete lack of private or personal toilet facilities for marginalized communities, (B) lack of adequate and accessible toilet facilities for the total number of individuals in the communities, (C) lack of proper maintenance of public toilet facilities, and (D) lack of public knowledge about the importance of proper sanitation. The state government has an obligation teach the population that their children and their families suffer as a result of fecal matter being transmitted, by flies

⁴⁰*id.*

⁴¹*id.*

⁴²*id.*

⁴³*Id.*

⁴⁴*Id.*

or other means to the food they eat. Some researchers say, "Building toilets without addressing common norms, attitudes and beliefs around latrine use is unlikely to reduce open defecation in rural India." Research shows that inspite of having available latrines in five northern Indian states, 19 percent of women still preferred to defecate in the open.⁴⁵ A widespread public awareness campaign in Rajasthan reduced open defecation to zero. Lack of awareness is one of the major reasons of persisting open defecation problem. Sometimes inadequate state action does not adequately address community needs and fundamental rights. Non-implementation of Government schemes creates schemes and plans and then fails to take action to ensure implementation. Financial constraints do not constitute a meaningful obstacle to constructing toilet facilities. The government has designated funds for sanitation and the immediate costs of toilet facilities would be worth the immense health and safety improvements. Sanitation is one of the major problems of slums in India. State Government is primarily responsible for providing sanitations in the area. Sanitation was one of the highlighted themes of the Eighth Five Year Plan. The Eighth Five-Year Plan (1992-97), states: "Sanitation to be seen as a basic need, as basic as drinking water or food. A sanitary toilet within or near home, provides privacy and dignity to women." It is seen that many a times the condition of toilets in slums and rural areas is not good. The toilets do not have adequate infrastructure i.e. inadequate sewer pipelines, broken doors, and uncovered roofs. In addition to inadequate privacy, the toilet facility does not have adequate water supply .The residents have to pay between 2 to 5 rupees per visit. During the closing time of these toilets the community members go to open spaces to relieve themselves. Poor conditions, inconvenient operating hours, and mandatory user fees forces people to resort to open defecation. Leaving women out of sanitation planning puts them at a greater risk for health problems because it is less likely that their needs will be met. Men must also keep women's needs in mind when changes are made in community sanitation if they are to improve health for everyone. To make it easier for women to participate in community sanitation planning in a way that does not simply give them more work to do: Organize meetings at times when women can participate, make sure that women are invited and feel comfortable speaking out, have separate meetings for women if they make it easier for women to speak up, share decision making power. Along with building toilets, the major issue is that those toilets should be cleaned regularly and

⁴⁵ <http://www.npr.org/blogs/parallels/2014/06/09/319529037/indias-rape-uproar-ignites-demand-to-end-open-defecation>

should have basic amenities like proper ventilation, water accessibility and proper sewage lines so as to attract more people to use them. Without them, the toilets become unusable from day 1. So overall, sanitation is more complex than it appears and cannot be solved by simply building toilets. As in the case of public health challenges and epidemics, poor sanitation also has its socio-economic, cultural and political reasons which are never addressed by the State because it is tricky and can be politically counter-productive. As in the case of poverty, sanitation also is a multi-sectoral issue and cannot be handled by one or two ministries. It has to be part of a compact that will address poverty and its socio-economic determinants, and various sectors - read ministries - need to be involved. For sanitation to improve, the lives of people will have to improve, and the overall human development indicators have to improve. The problem of open defecation can only be dealt with a constant combined effort, both at an individual level and at a community level. . Government's failure to adequately address open defecation constitutes a violation of the rights to life, health dignity and equality enshrined in the Constitution of India. Every person has to realize his/her responsibility towards a better and healthy environment. We must realise that the practice of open defecation is a symbol of the complex and gross inequality of our society: a symbol of poverty, landlessness, class and caste politics, illiteracy, the failure of the State in addressing them and finally, a poor sense of hygiene as a cultural habit. So we have to get rid of this so as to make India a better place. People should be allowed to choose the toilet technology that works for them. People should be made aware about the existing rights along with the emphasized use of toilets so that if the conditions do not improve, residents should file a Right to Information (RTI) request to uncover the reasons behind poor maintenance. Along with the providing information, focus should be done on converting that awareness into action and total behavior change of people at a community level. Initiatives should be taken to bring a collective change. Moreover, punishing people who defecate in open inspite of having accessibility to toilets might help in the process. Firstly enough number of toilets nearby people's residents should be done. The second and foremost step is to encourage them to use those toilets and making them realize the health hazards which are taking place by defecating in open. The last step which may ensure proper utilization of toilets is to punish people by inflicting a small penalty on whosoever defecates in open. This will lead to making open defecation a crime punishable by law. But this can only be achieved if and only if firstly the government disposes its responsibility to creating toilets and then encouraging their usage. The

practice of open defecation is one of India's biggest curse and shame. People should also be encouraged to build toilets in their houses recognizing that greater progress on sanitation is essential for fighting poverty and for achieving all the MDGs. In this regard, government should give subsidies to the families which have a toilet at their home. Positive behaviour change and enhanced user participation are critical elements for sustained and improved sanitation practices. We have to remove that veil of ignorance associated with this topic of open defecation which is considered as a taboo. Sanitation and good hygiene make people healthy and productive and such programmes instill a sense of responsibility in individuals to keep the nation clean. Participative techniques such as Community Led Total Sanitation (CLTS) should be prioritized over traditional IEC (information, education and communication). Social activists and NGOs should realise their responsibilities in achieving the said goal of ending this disgusting practice of open defecation completely from India. Sanitation should be considered as a priority in achieving national developmental goals. It should gain acceptance at every level ie, politically, socially, culturally, traditionally, economically and morally. While having a toilet is important for everyone, access to safe, clean toilets brings particular benefits to women and girls. We have to strive together to make India an open defecation- free country and to invoke Gandhiji's vision of "clean and developed" India thereby making India a better place to live in and to stop India from drowning into its own shit.