

ASSESSING THE STATUS OF PUBLIC SANITATION IN WEST TRIPURA DISTRICT: A SOCIO-LEGAL RESEARCH

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ABSTRACT:

Sanitation, which is a highly private and intimate affair, is directly tied to human dignity and also has a significant public health component and through faeces and wastewater, poor sanitation causes contamination of the environment and public areas as well. The purpose of this study was to look into the issues over using public toilets and to pinpoint ways to make them better. This study mainly focuses on the admittance of Right to Sanitation as a fundamental right under the ambit of Article-21 of the Indian Constitution combining the aspects of health, safety, cleanliness, hygiene, privacy and dignity. This study discusses on the available legal frameworks and policies dealing with human right to sanitation and addresses the gaps by recommending provisions to strengthen the available legislatures and policies and to achieve sustainability in sanitation in India. This study also deals with the infrastructural barriers faced by users while practicing sanitary facilities at public places. There is also discussion of availability of toilet focuses the need of each and every section of the society, proper maintenance of toilet incorporating periodic cleaning and repairmen of damaged functionalities, user involvement in toilet construction, reconstruction of toilets involving modern technologies, providing proper training to cleanliness staffs, creating awareness among users by conducting departmental programs and appointment of a grievance redressal committee and sanitary inspector to inspect and examine the entire process of sanitation at various public toilets to ensure that it meets the bare set standard.

KEYWORDS:

Sanitation, Swachh Bharat Mission, accountability, Clean Toilet Campaign, Municipal Acts, gender-designated, vulnerable.

1.

INTRODUCTION:

“The day every one of us gets a toilet to use, I shall know that our country has reached the pinnacle of progress”- Jawaharlal Nehru.

Sanitation refers to all the actions that help in re-establishing the environment by managing and disposing any kind of human waste in a way that makes it fit to live in. So, sanitation underlines health and cleanliness for a dignified

living¹⁸³⁶.

“Everyone has the right to access sanitary facilities that are guarded, clean and hygienic at a cost that is affordable to them. The UN states that sanitary facilities must be shielded,

¹⁸³⁶ National Human Rights Commission, *Right to Sanitation* 1, Published by National Human Rights Commission, Manav Adhikar Bhawan, C-Block GPO Complex, INA, New Delhi-110023, Designed and printed by Indu Cards & Graphics, 2393/221 Vidya Market, Chhatta Shahji Chawri Bazar, Delhi- 110006, available at: www.nhrc.nic.in, 2021, last visited: 25th January, 2025

decent and culturally appropriate, deliver protection and maintain privacy. In addition, the facilities must uphold dignity and respect in all walks of life¹⁸³⁷” as declared by UN

The 2008 resolution “International Year of Sanitation” enhanced the advocacy to normative formulation of the right to sanitation when it announces that “Everyone, and that is all human beings of the world, has the right to a life which is healthy and a life with dignity¹⁸³⁸”.

Therefore, the right to sanitation gives admission to sanitation by granting everybody a bodily and reasonable admittance to all spheres of life that provides safety, cleanliness, hygiene, security, and is Socially and culturally acceptable and whatever needs to be socially decent and that allocate safety, secrecy and assure respect and worth of individual. Sanitation encompasses the provision of requisite amenities for the secured handling of human sewage from the place of creation of waste to containment and storage and treatment either on site or transferring at another place and controlled and responsible disposal. Sanitation, in general, also includes the precautionary handling of solid junk and excrement¹⁸³⁹.

The update for 2023 estimated that in 2022, 43% approximately 3.5 billion of the global population didn't have access to environmentally sound sanitation handling – that is a lavatory associated controlled excrement handling. Hand washing facility with soap and water at home wasn't accessible to 25% of the global population. Among the 1.5 billion people lacking even basic sanitation services, 545 million people used unimproved sanitation facilities, and a staggering 419 million

people still practiced open defecation¹⁸⁴⁰.

Inadequate sanitation adds to the burden of mortality worldwide according to WHO and UNICEF. In 2019, with effective WASH services, 1.4 million deaths and 74 million DALYs could have prevented, which represents about 2.5% of all deaths worldwide, and about 2.9% of all DALYs. Among these diarrhoeal diseases associated with inadequate WASH fostered 1 million deaths and 55 million DALYs. Accordingly, a round 69% of the global burden of diarrhoeal diseases was attributable to unsafe WASH. Approximately 14% of ARI are linked to inadequate WASH conditions. WASH sector is estimated to be account for around 10% of the burden of nutritional deficiency, mainly through diarrhoea and 100% of the burden due to soil-transmitted helminthiasis could have been prevented with safe WASH as estimated in 2019¹⁸⁴¹.

According to the World Health Organization (2023), today, 251.4 million people needed preventive treatment due to schistosomiasis – an acute and chronic disease caused by parasitic worms introduced via infested water, such as water supply and sanitation and hygiene services¹⁸⁴².

While children under five years are the most vulnerable, adults are also exposed to preventable risks to their health as a result of poor sanitation. Unsafe hand hygiene alone accounts for approximately 394,000 deaths from diarrhoea diseases and 356,000 from acute respiratory infections each year¹⁸⁴³.

Neonatal mortality (current rate is 24 deaths per 1,000 live births) is among the biggest contributor of Inadequate WASH services

¹⁸⁴⁰ Sanitation, UNICEF, available at: <https://data.unicef.org/topic/water-and-sanitation/sanitation/>, last visited: 24th February, 2025

¹⁸⁴¹ Jennyfer Wolf, Richard B Johnston, Argaw Ambelu, Benjamin F Arnold, Robert Bain, Michael Brauer, Joe Brown, Bethany A Caruso, Thomas Clasen, John M Colford Jr, Joanna Esteves Mills, Barbara Evans, Matthew CFreeman, Bruce Gordon, Gagandeep Kang, Claudio FLanata, Kate OMedlicott, Annette Prüss-Ustün, Christopher Troeger, Sophie Boisson, Oliver Cumming, Burden of disease attributable to unsafe drinking water, sanitation, and hygiene in domestic settings: a global analysis for selected adverse health outcomes, 401, The Lancet 2066 (2023), available at: [https://doi.org/10.1016/S0140-6736\(23\)00458-0](https://doi.org/10.1016/S0140-6736(23)00458-0), last visited: 24th February, 2025

¹⁸⁴² Drinking-water, WHO, available at: <https://www.who.int/news-room/fact-sheets/detail/drinking-water>

¹⁸⁴³ Hygiene, UNICEF, available at: <https://data.unicef.org/topic/water-and-sanitation/hygiene/>, last visited: 24th February, 2025

¹⁸³⁷ Human Rights to Water and Sanitation, UNITED NATIONS, UN Water, available at: <https://www.unwater.org/water-facts/human-rights/>, last visited: 25th January, 2025

¹⁸³⁸ Jund and Sumati, Sanitation laws and public health in India a study, *sodhganga@INFLIBNET*, available at: <http://hdl.handle.net/10663/291560>, last visited: 25th January, 2025

¹⁸³⁹ National Human Rights Commission, *Right to Sanitation 1*, Published by National Human Rights Commission, Manav Adhikar Bhawan, C-Block GPO Complex, INA, New Delhi-110023, Designed and printed by Indu Cards & Graphics, 2393/221 Vidya Market, Chhatta Shahji Chawri Bazar, Delhi- 110006, available at: www.nhrc.nic.in, 2021, last visited: 25th January, 2025

healthcare sector in India. Sepsis, which is often transmitted in health facilities, accounts for 15% of neonatal mortality and 11% of maternal deaths. When sick children are taken to communities where there are no toilets or appropriate sanitary facilities they are once again at risk of the same diseases¹⁸⁴⁴.

Women and girls are suffering disproportionately due to limited availability of guarded toilets, clean drinking water or a way of keeping themselves and their surroundings clean and hygienic. More than 1.25 billion girls and women have no access to a safe, private toilet. Most of the deaths associated with unsafe water and basic sanitation, approximately four out of five, occur in the developing world. Diseases caused by unsafe water and inadequate toilets are the fifth biggest killers of women globally. This hidden killer causes more deaths than diabetes, stroke, HIV/AIDS or breast cancer etc killing a woman every 40 seconds. Almost 800,000 women deaths globally are associated with inadequate water, sanitation and hygiene in one year. An estimated 88% of all diarrhoeal diseases and 50% of all nutritional deficiencies are having nexus to a limited basic water and sanitation¹⁸⁴⁵.

The transgender are also the worst sufferer as there's no toilet available for them in any public place leading them to either urinate in men or female washroom violating their privacy and that of others. Thus, despite uplifting their rights by enacting legislation and through various NALSA guidelines, still discriminatory practice persists against them.

In today's scenario, just a toilet or latrine is not enough for sanitation; having a clean and hygienic toilet or latrine ensuring a sense of privacy and dignity to one and all is a citizen's right. Poor sanitation impacts the environment and the functionality of public toilets through the presence of faeces and waste water as well

affects the privacy and dignity of the users and therefore has a negative impact on public health, dignified life and well-being of every member of the community, and interferes with their human rights to health, life, dignity, privacy and a healthy environment. The pile of rights protected under Constitution make sanitation complicated to understand and deal with, through the lens of human rights and directive principles of state policies mostly highlighted in part- IV of Indian constitution and shall thus come under the preview of Article-21 of the Constitution of India, 1950 with tight enforceability¹⁸⁴⁶.

Over time, little weightage is given to the issue of sanitation whether in terms of enacting legislations or implementing policies or spending more budgets which is one of the chief reasons behind the pathetic status of public toilets available. It has been a neglected issue and still is at every level. The absence of technicality in policies and schemes underinvestment, inadequate capacity and institutional fragmentation all show how much sanitation is not taken seriously. Very less funding for aid to water and sanitation is allocated to sanitation. Yet sanitation would require a significantly larger effort than the water sector. Many countries devote a relatively small part of the national government budget to sanitation. This little money invested helps in the construction of toilets to get rid of open defecation with lesser infrastructural facilities.

In India in order to promote the overall well-being of citizen outside their homes, the Swachh Bharat Mission primarily focuses on the availability of toilets in both rural and urban areas, aims to eradicate open defecation and achieve "Sampoorn Swachata" by sustaining the ODF status and provide method for collection, management and safe disposal of waste¹⁸⁴⁷. Despite focusing on availability of

¹⁸⁴⁴ Drinking-water, WHO, available at: <https://www.who.int/news-room/fact-sheets/detail/drinking-water>
¹⁸⁴⁵ Dirty water and lack of safe toilets among top five killers of women worldwide, WaterAid, available at: <https://www.wateraid.org/media/dirty-water-and-lack-of-safe-toilets-among-top-five-killers-of-women-worldwide>, last visited: 24th February, 2025

¹⁸⁴⁶ Inga T. Winkler, The Human Right to Sanitation, 37, SSRN1 (2016), available at: https://papers.ssrn.com/sol3/papers.cfm?lookup=do&link_id=3728066, last visited: 25th February, 2025

¹⁸⁴⁷ About Swachh Bharat Mission, Ministry of Jal Shakti/Department of Drinking Water & Sanitation,

toilets it totally ignores the vulnerable section of society like the transgender and disabled persons, as there is no gender designated toilets for transgender and appropriate facilities installed for providing assistance to disabled. The Swachh Bharat Mission lacks policies that ensure cleanliness and maintenance of proper sanitation inside the toilets constructed in public places. These policies include proper training of manual scavengers regarding cleaning of toilets, user participation in construction of toilets, reconstruction of toilets using modern technologies to maintain sanitary condition, availability of water, infrastructural facilities, awareness programs at various organizations, appointment of sanitary inspector to conduct sudden inspection of public toilets for women and accountability models like grievance redressal committee to keep the toilets clean, hygienic, safe, ensuring privacy, dignity, and protection to women at various public places. However, the Clean Toilet Campaign which deals with toilet structure lacks implementation.

Thus, a co-operation between public-private is necessary to come up with innovative yet cost effective toilet facilities like e-toilets, ecological toilets etc to be constructed for retaining the cleanliness and hygienic condition and ensuring the dignity and privacy of the users inside the toilet. Moreover, strengthening of legislative framework, with stringent obligation upon the duty bearers to provide sanitation facilities at its premise, to

elevate the dignity of its users, is a must. And government shall take responsibility to enact such legislation as well as invest more budgets for improving sanitary facilities by installing advanced mechanisms in public toilets.

2. SCOPE OF RESEARCH:

The study explores the various factors influencing sanitation including its impact on public health, privacy and dignity as well as contamination of environment. The study traces

the step towards the gaps and lacunas in the available legal standards including national and international laws and political schemes of government to deal with sanitation and provides certain recommendations to strengthen the legislative frameworks and political schemes.

This study also deals with the infrastructural barriers faced by users while practicing sanitary facilities at public places.

This study also recommends incorporating new sanitation technologies like improved toilets, user participatory approaches in toilet construction, job rotation approaches for manual scavengers to uplift them morally, proper training to cleanliness staffs, organizing sanitary awareness programs and appointment of a grievance redressal committee and sanitary inspector to supervise the entire process of sanitation.

The main motive of this study was to look into the issues over using public toilets like toilets at educational institutions, hospitals, courts, various workplaces, roadside community public toilets, and to pinpoint ways to make them better by ensuring a safe, hygienic and clean toilet offering privacy and dignity and ensuring environment cleanliness.

3. OBJECTIVES OF RESEARCH:

- To analyze the constitutional provisions addressing user's health, privacy and dignity w.r.t public sanitation.
- To evaluate the prevailing national and International legal frameworks and policies for women public sanitation.
- To examine the current status of public sanitation facilities in West Tripura, District (Urban).
- To propose practical suggestions to improve users access to public toilets based on findings, including infrastructural improvements, legal reforms and accountability models.

4. RESEARCH PROBLEM:

- The poor sanitary condition including dirty toilet, smell, insufficient cleaning of toilet, unavailability of sufficient water, improper disposal of dustbins, absence of soap & hand wash etc. affect the Right to health guaranteed under Article- 21 of The Constitution of India.

- Inadequate sanitary infrastructure like shared door of toilet without installing separate doors in each and every chamber, small chambers without dustbin being incorporated in each chamber, non-availability of gender designated washroom, broken locks of different chambers, or poorly installed locks in public toilet affect the Right to dignified life and Right to Privacy provided under Article-21 of The Constitution of India, 1950.

- Non-availability of gender designated washroom like separate washroom for male, female and transgender in various public places and toilet facilitating the need of physically disabled person, violates their right to equality under Article-14 of The Constitution of India, 1950.

- Poor sanitary condition including lack of management of human faeces and wastewater lead to contamination of environment and make the area prone to germs and diseases.

- Poorly constructed sanitary infrastructure leads to degradation of women public health and safety.

5. RESEARCH METHODOLOGY:

The researcher has adopted mixed approach by conducting both doctrinal and non-doctrinal study.

In doctrinal study the researcher has studied the available legal frameworks and policies under national as well as international standards. The researcher has gone through the available legal frameworks, policies including Swacch Bharata Mission, Clean Toilet

Campaign and various statistical data available in WHO, UNICEF AND Water aid reports showing the adverse effect in health due to inadequate WASH services.

In empirical study the researcher has collected first hand information through interview method via stratified random sampling at various institution and community toilets in West Tripura, District.

6. REVIEW OF LITERATURE:

❖ **Jund and Sumati, Sanitation laws and public health in India a study, sodhganga@INFLIBNET(2019).**

The paper notes a recent trend of increasing national and international focus on sanitation which has so far been neglected in policy and law in India. Despite all this, there is a considerable gap between the policies' opinions and the law of sanitation, points the study. The effort to collect and analyze these provisions aims at bridging the information gap and criticizes the fragmented and piece meal form of the existing legal instruments related to sanitation. The paper also shows the importance and complexity of existing legal and policy frameworks on sanitation.

❖ **National Human Rights Commission, Right to Sanitation.**

This study provides for general aspects of sanitation like the Constitutional aspects of sanitation like fundamental right to health, privacy, dignity and overall well-being. It also highlights the recognition of Right to Sanitation s a distinct right separate from Right to water and held that priority to both clean water and sanitation should be given equally. The NHRC also highlighted the importance of sanitation in preventing open defecation, inadequate waste management, and poor hygiene practices. It highlighted the various government initiatives like Swacch Bharat policies which aims to eradicate open defecation and make toilets available for all but it lacks in implementation. Thus, to ensure universal access, stronger legal frameworks, improved infrastructure, and

proper monitoring of sanitation programs are needed. There is a need of a collaborative approach involving the government, civil society, and local communities to uphold the sanitary condition.

❖ **Jennyfer Wolf, Richard B Johnston, Argaw Ambelu, Benjamin F Arnold, Robert Bain, Michael Brauer, Joe Brown, Bethany A Caruso, Thomas Clasen, John M Colford Jr, Joanna Esteves Mills, Barbara Evans, Matthew C Freeman, Bruce Gordon, Gagandeep Kang, Claudio Flanata, Kate O Medicott, Annette Prüss-stün, Christopher Troeger, Sophie Boisson, Oliver Cumming, Burden of disease attributable to unsafe drinking water, sanitation, and hygiene in domestic settings: a global analysis for selected adverse health outcomes, 401, The lancet (2023).**

This study quantifies the global health impact of inadequate water, sanitation, and hygiene and provided that in 2019, 1.4 million deaths and 74 million disability-adjusted life years were lost due to unsafe WASH practices. While proper WASH practices could prevent 2.9% of all DALYs and 2.5% of all fatalities. Four major unfavourable health outcomes soil-transmitted helminthiasis, acute respiratory infections, under nutrition (particularly protein-energy malnutrition), and diarrhoeal illness are the primary cause.

❖ **Inga T.Winkler, The Human Right to Sanitation, 37, SSRN(2016).**

This study highlights the public health dynamics and contamination of environment which results from insanitary conditions. It also considers that sanitation has been an ignored topic for long time and outlined the hardships faced in recognizing sanitation as a distinct right. Lastly, this article also points out the steps raised towards political acceptance of sanitation.

❖ **About the mandate Special Rapporteur on the human rights to safe drinking water and sanitation. UNITED**

NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

Every year UN general Assembly holds its meeting where the Special Rapporteur and UNHRC submit it factsheet containing the rate of diseases due to inadequate WASH and then adopts necessary recommendation and resolute to achieve the same. It cast duty upon each State to ensure its citizen a qualitative sanitary access to boost their public health. It also promotes international cooperation in matters of technical assistance and finance when needed and to seek help from local and regional committees as well to uplift the sanitary conditions of the respective States. Also, it advises each state to create an regulatory and accountable framework to hold the stake holder liable for not fulfilling their duties.

❖ **Feroze Ahmed, Sanitation in South Asian Countries, Research Gate**

This study merges the WHO, UNICEF, WSSCC report that highlights the rate of diseases due to inadequate WASH facilities in South Asian countries. And after study found that compare to the worldwide rate of diseases the rate in South Asian nations are comparatively higher. So it highlighted the role of SACOSAN that aims for periodic monitoring of public health and sanitation, and suggesting necessary recommendations to uplift the condition, and provides for inter-governmental co-operation and regional support to each states for elevating the conditions of sanitation in their nation.

❖ **Guidelines on sanitation and health, WHO**

The WHO defines sanitation based on various measures like affordability, accessibility, availability, security, quality, acceptability. It highlights the severe affect of sanitation in public health at large and highlights the necessity of maintaining toilets which is closely associated with public health. It provides guidelines for maintaining the cleanliness and

sanitary conditions starting from toilet construction to safe end disposal of solid wastes. It also mandates to focus on marginalized group of people like physically-disabled person, children etc.

❖ **International Law & Human Rights, Dr. H.O. Agarwal**

This book gave the researcher a detailed idea about the concept of human right like the various kinds of human right, the evolution and sources of human right. It also defined the various international human rights law. It outlined UN Charters explanation of human rights and the promotion and protection of human rights by them. It also gave a detailed idea about the Universal Declaration of human rights and International Covenant on Human Rights i.e, the Covenant on Economic, Social and Cultural Rights.

❖ **The Constitution of India, 1950, Bare Act**

It gave me idea about the various fundamental rights closely associated with sanitation. Article-14 provides for right to equal treatment for all section of society. Under the ambit of Article-21 a multi dimension rights is effected is Right to sanitation is hindered including privacy, safety, social security, dignity, as well as right to live in a clean environment. It also provides the responsibility of state to elevate public health and sanitation and raise standard of living under various Directive Principles of State of policy. Lastly, it cast a duty upon citizen as well to protect and promote a healthy environment for living.

❖ **Tripura Municipal Act, 1994**

The Tripura Municipal Act contains many chapter including the constitution and composition of Municipal areas and Municipalities including wards, standing committee, joint committee etc. it provides their powers and functions to be discharged. It also provides for the various municipal authorities. It outlines all the aspects required to maintain a state including state election, water supply,

drainage and sewerage, solid waste management, public safety and nuisance, urban and regional planning and development and accordingly budget and maintenance of audit.

7. **DISCUSSION & ANALYSIS**

This article firstly deals with the various international frameworks available related to sanitation. It also deals with the international guidelines of UN General Assembly, WHO and SACOSAN regarding sanitation. By studying these legal frameworks and policies India can either implement their guidelines for enacting a comprehensive legislation or modify the available legislations. It also focuses on the negative health effects upon public health caused by deliberate violations of the fundamental right to sanitation at different public toilets. This chapter also explains how ineffective sanitary infrastructure at different public toilet violates right to equality, privacy, safety, security and dignity of individual and creates nuisance for the environment as well. Apart from Constitutional provisions it also deals with the other available national frameworks and policy guidelines dealing with sanitation and their effective implementation to boost dignified life of the users. It also highlights the gaps in those policies and available framework to provide necessary suggestion to eliminate the same.

This article further provides fact sheet of primary data regarding the problems, concerning health, safety, hygiene, privacy and dignity, faced by the users due to infrastructural barriers while using public toilets. The researcher has selected sample by way of random sampling method and collected information by using interview method from areas including educational institution, hospitals, various workplace, local shops, and roadside community public toilets.

This article mainly highlights various measures to address the gaps and lacunas of available legislative frameworks regarding sanitation and strengthen the various policies and schemes of

government dealing with sanitation. It also suggests measures for incorporating technicalities in various schemes and policies of government related to sanitation to attain sustainability, reconstruction of toilets by using modern technologies and involving user participation and recommendations in construction of toilets. It suggests for periodic inspection of premises and holding duty bearers liable for non-fulfilment of their duties as well as to create awareness among the users to not to leave the washroom dirty after use.

8. CONCLUSION & SUGGESTION-

Sanitation is a highly intimate and private affair which lacks discussion in open forum. But in present day aspect sanitation has become an emotive subject matter and is becoming worth talking about. After the implementation of Swachh Bharat policies almost in every rural household except some villages in Bihar which government wants to achieve by SDG of 2030 and in every urban household we have access to toilets having sanitation and hygienic facilities and also we have toilets in public places. But still we don't find gender designated toilet especially for all the transgender available at any public institution. There are also no separate facilities like supporting grabs is installed in toilet at every public place for disabled persons.

Also, there is a raising concern towards the availability of hygienic and sanitary infrastructure services like clean and smell free toilets, hand washing facilities, availability of sanitary napkins and proper sanitary pad disposal facilities especially in female toilets, user friendly toilets, toilets ensuring safety, security privacy and dignity of mainly women at various public places like educational institutions, hospitals, govt. departments, courts etc. used by working employees, students, patients and public at large and public roadside toilets used by local vendors, travellers, and everyone when they go out from home for a long time period.

In today's scenario we talk about welfare state and thus public health becomes our 1st priority but various aforesaid institutions fail to provide basic sanitary amenities within the organization. Despite of cleaning it is not possible to maintain the cleanliness due to huge crowd and ineffective cleaning like cleaning once and not deeply using proper equipment and wraps up cleaning in max 10 minutes which itself shows that the washrooms are not cleaned effectively, but the issue remains unsettled. There are not even basic handwashing facilities available in many toilets. The WHO focuses primarily in hand hygiene to prevent diarrhoea but in no institution hand washing facility is available, but no one raises any complaint. If we take a small example During time of toilet (emergency loo) or changing sanitary napkin or suddenly got periods before time if a woman don't have their own hand wash or sanitary napkin they have to buy it first before going to toilet which is hectic and time taking and in short breaks or during working hours it hampers their work as they become late for their work. For eg- if a school girl while attending class moreover they are not allowed to go out of schools. The same scenario is faced in other institutions as well except court. Even the hospitals don't provide handwash in the toilets.

Therefore, there is a need of strengthened legislative framework, regular monitoring and infrastructure improvement as well as accountable frameworks to ensure the sanitary conditions to users who are bound to use public toilets, which is also suggested by NHRC.

Apart from above, following recommendations are needed to be implemented-

- There is a need to amend the Tripura Municipal Act, 1994 and consolidate the Tripura Municipal Solid Waste (Management & Handling) Cleanliness & Sanitation Rules, 2019
- The WHO guidelines should be implemented-
- Implementing the guidelines of the case of Rajeeb Kalita v. UOI, which recognizes right to sanitation as a fundamental right under Article-21 of The Constitution of India and provides

constructing toilet in a manner that fulfils the needs of all the 3 recognized gender as well as disabled person, mothers and children? And to elevate public health focuses on handwashing facility, menstrual health of women and installing sanitary vending machine. Apart from periodic maintenance by a third party agency it also provides for involving professional architecture and engineers for reconstructing the defective toilets within the existing building structure and provides for installing modular and eco-friendly toilet. It is necessary to implement these guidelines for all other premises apart from Court.

- Conducting periodic inspection by a Statutory Authority-
- Accountability model- This is very much essential to hold the duty bearers accountable for non-fulfilment of their duties. It has been recommended in various guidelines of UN General Assembly, SACOSAN, WHO, NHRC and even as directed by Hon'ble Supreme Court. Only if the duty bearers are at stake and answerable to an appropriate authority than only they will take more initiatives in this aspect.
- Establishing a public feedback mechanism in each premise and setting up of grievance redressal model for immediate resolution of grievances.
- The NHRC through its multiple writings has highlighted the need of enacting a stronger legislation
- More number of cleaning staffs shall be appointed who will only deal with cleaning toilets and they shall be provided with charge of 1 or 2 toilets to ensure cleaning such toilets multiple times and also constantly monitor so that no user can leave it dirty after use and if does it gets cleaned immediately.
- In educational institution where cigarettes are found in boys toilet a serious checking must be done so that no student can enter the college or university campus by carrying any such substances and if any student is found with the same strict actions must be taken.

- The cleaning staffs must play a crucial role in informing any malfunctioning which they see in toilets to the management to get it fixed immediately.
- There shall be a participatory approach for sensitizing and awaring the users to keep the toilet clean for themselves and that of others. The users can give their opinion for modification of toilets which the organization shall include for elevating the standards of washroom.
- The UN General Assembly cast duty upon State to elevate the public health and sanitation and to do so it encourages international cooperation in budgeting and technological advancement. India should also seek for international co-operation if necessary.
- Making the available policies more effective and gender-sensitive to focus on the vulnerable and implementing the suggestions of Clean Toilet Campaign to make better the conditions of public roadside community toilets.

9. **BIBLIOGRAPHY/ WEBLIOGRAPHY:**

ARTICLES REFERRED:

- Jund and Sumati, Sanitation law sand public health in India a study, *sodhganga@INFLIBNET*(2019).
- National Human Rights Commission, Right to Sanitation.
- Jennyfer Wolf, Richard B Johnston, Argaw Ambelu, Benjamin F Arnold, Robert Bain, Michael Brauer, Joe Brown, Bethany A Caruso, Thomas Clasen, John M Colford Jr, Joanna Esteves Mills, Barbara Evans, Matthew C Freeman, Bruce Gordon, Gagandeep Kang, Claudio F Lanata, Kate O Medicott, Annette Prüss- Ustün, Christopher Troeger, Sophie Boisson, Oliver Cumming, Burden of disease attributable to unsafe drinking water, sanitation, and hygiene in domestic settings: a global analysis for selected adverse health outcomes, 401, *The lancet* (2023).
- Inga T.Winkler, *The Human Right to Sanitation*, 37, *SSRN*(2016).
- Patel, Amishi D, *Critical*

study of law and policy on clean water and sanitation as a basic human right with special reference to Gujarat state

- Bala, Indu Right to Sanitation in India A Socio Legal Study with Special Reference to Lucknow City Uttar Pradesh

BOOKS REFERRED:

- The Constitution of India, 1950 – J.N Pandey
- International Law & Human Rights, Dr. H.O. Agarwal

BAREACTS:

- Bharatiya Nyaya Sanhita, 2023
- Bharatiya Nagarik Suraksha Sanhita, 2023
- The Environment (Protection) Act, 1986
- The Buildings and Other Construction Workers Act, 1996
- The Factories Act, 1948
- The Mines Act, 1952
- The Contract Labour (Regulation And Abolition) Act, 1970
- The Delhi Municipal Corporation Act, 1957 (Modified as on 2022)
- The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act VOF 1920)
- The Maharashtra Municipal Corporation Act (ACT No. LIX OF 1949) (As modified upto the 8th June 2018)
- The Karnataka Municipal Corporation Act, 1976 (ACT No. 14 OF 1977)
- The Tripura Municipal Act, 1994 (Tripura Act No. 7 of 1994)
- Tripura Municipal Solid Waste (Management & Handling), Cleanliness and Sanitation Rules, 2019

POLICIES REFERRED:

- WHO Guidelines on sanitation and health, available at: <https://apps.who.int/iris/bitstream/handle/10665/274939/9789241514705-eng.pdf>, last visited: 21st April, 2025
- Swachh Bharat Mission Urban, available at: <https://sbmurban.org/aboutUs>
- Clean Toilet Campaign- 2024, available at: https://sbmurban.org/storage/app/media/pdf/CTC_2024_Campaign_Guidelines.pdf

SITES REFERRED:

- <https://www.unwater.org/water-facts/human-rights/>
- <https://www.who.int/teams/environment-climate-change-and-health/water-sanitation-and-health/monitoring-and-evidence/wash-monitoring>
- <https://data.unicef.org/topic/water-and-sanitation/sanitation/>
- <https://www.who.int/news-room/fact-sheets/detail/drinking-water#:~:resolution=Contaminated%20water%20and%20poor%20sanitation,and%20hygiene%20services%20are%20lacking&resolution>
- <https://www.who.int/news-room/fact-sheets/detail/drinking-water#:~:resolution=Contaminated%20water%20and%20poor%20sanitation,and%20hygiene%20services%20are%20lacking>
- <https://data.unicef.org/topic/water-and-sanitation/hygiene/>
- <https://www.unicef.org/india/what-we-do/water-sanitation-hygiene>
- <https://www.wateraid.org/media/dirty-water-and-lack-of-safe-toilets-among-top-five-killers-of-women-worldwide>
- https://swachhbharatmission.ddws.gov.in/about_sbm
- <https://nhrc.nic.in/sites/default>

t/files/UDHR_Eng_0.pdf

• <https://documents.un.org/doc/undoc/gen/n17/300/05/pdf/n1730005.pdf>

• <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

• <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

• <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

• <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>

• <https://www.ohchr.org/en/special-procedures/sr-water-and-sanitation/about-mandate>

• Sujith Koonan, *Right To Sanitation In India- Nature and Scope,*

• <https://www.ielrc.org/content/a1608.pdf>

• <https://www.un.org/sustainabledevelopment/water-and-sanitation>

• https://www.constituteproject.org/constitution/Uruguay_2004

• <https://www.wipo.int/wipolex/en/legislation/details/21291>

• <https://www.gov.za/documents/constitution/constitution-republic-south-africa-1996-04-feb-1997>

• <https://www.kenyalaw.org/kl/index.php?id=398>

• https://www.constituteproject.org/constitution/Panama_2004

• <https://faolex.fao.org/docs/pdf/nig164561.pdf>

• https://www.constituteproject.org/constitution/Bolivia_2009

org/constitution/Bolivia_2009

• <https://www.legislation.gov.uk/ukpga/Eliz2/9-10/64>

• <https://amcow-online.org/african-sanitation-policy-guidelines-asp>

• <https://faolex.fao.org/docs/pdf/uga96450.pdf>

• https://www.researchgate.net/publication/390639159_Sanitation_in_South_Asian_Countries