

Proceedings of State Level Workshop on Right to Water and Sanitation

4 & 5 December, 2012; Bhopal



Forum for Policy Dialogue on Water Conflicts in India
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Introductory Session

Mathew Luckose opened the first session welcoming everyone to Bhopal. He elaborated on the need of this state level workshop on Right to Water and Sanitation (RTWS) in the first place. This was followed by self-introduction of all the participants.

Participants present were: K. J. Joy, Suhas Paranjape, Parag Jyoti Saikia, Pratima Medhekar, Keshab Das, Rehmat, Gaurav Dwivedi, Sujith Koonan, Ravi D'Souza, Ransingh Parmar, Mahesh Runwal, Mathew Luckose, Anil Gupta, Fr. Augustine, Ajay Shukla, Devendra, Gayatri Parihar, Vinatha Viswnath, Sushil Joshi, Suresh Mishra, Upma Dewan, Chaya Khale, Hemlata Sharma, Vijay Mishra, Amod Khanna, Binu Arickal, Saleem Romani, Suresh Jaiswal, Ashok Gupta, Mamata Dash, Rakesh Dewan.



Introduction of participants

K. J. Joy explained about his and Suhas Paranjape's engagement with Madhya Pradesh through the alternative proposed for the Sardar Sarovar Project on the Narmada, the Bharat Gyan Vigyan Samiti and watershed projects. He also briefed the house about the Forum (Forum for Policy Dialogue on Water Conflicts in India) and its work in the previous two phases. He went on to make the following points:

- Forum in its third phase has taken up a new initiative on the Right to Water and Sanitation (RTWS) in India funded by WaterAid, India. The Forum will act as a knowledge partner in working towards a campaign on RTWS. There is contestation on whether asking for a separate right to water and sanitation is the right approach but providing such a right around water and sanitation will ensure a social minimum.
- Right to Water and Sanitation will imply demanding the right from government. RTWS is different from other rights and there is a debate on the legal institutional mechanism to deliver this right. Forum along with WaterAid is engaging with a rights based approach.
- One of the activities under this initiative is the documentation of conflicts around drinking water and sanitation and on the reform process in the water sector through case studies.
- Questions we would like to place in front of the house:
 - Whether RTWS is the best way to go or not? Is it effective to add one more right to already existing rights?
 - How will the operationalisation of RTWS take place and with what legal institutional framework
- In this first session we try bring out the articulation of the concept of Right to Water (RTW) and Right to Sanitation (RTS).
- He then went on to describe the details of the programme schedule of the workshop.
- He emphasized that in order to build a strong conceptual understanding, inputs from all the participants and all the state level workshops are very important so that after a couple of years final draft position papers on RTW and RTS can be brought out. He also mentioned that one of the main objectives of these workshops is to create an informed spectrum which can take RTWS forward.

Following this, during her presentation, Mamata Dash from WaterAid, India said that this workshop is to learn and to contribute to understanding and articulating what RTWS is. WaterAid has been working on this important issue for many years now along with its partners.

- RTWS must be understood from people's rights perspective. WaterAid is trying to build a discourse on RTWS in association with Society for Promoting Participative Ecosystem Management (SOPPECOM).

- RTWS is a collective initiative where SOPPECOM is focusing on the RTW and WaterAid is focused on RTS.
- Referring to the United Nations (UN) documents, she said that though these documents mention about RTS there is no clear definition of the right. Confusion between right to hygiene and right to sanitation.
- As a state, India must recognize people's right to water and sanitation. We need to de-layer and de-thread the things wrapping up this right.

Session 1

The first session was on “**The Right to Drinking Water and Sanitation in India: Draft Position Papers**” and Ransingh Parmar chaired the session in the absence of Rakesh Dewan who joined late.

The presentation on RTW was made by Suhas Paranjape.

- Suhas presented the historical and present context around water and the broad dimensions of right to water. His discussion also included RTW in Indian context and what it should include, need to institutionalize ‘right to water’ as a human right, and difference of right to water from other rights. Bringing in the context of liberalization, globalization and privatization he also discussed right to water and issues related privatization of service delivery. His presentation concluded suggesting tentative ‘model’ of provision of water for basic needs.

The house decided to have a common discussion after the presentation on RTS which was made by Mamata Dash.

Further Mamata emphasized that RTS is very essential for dignified living and said that this presentation attempts to build collective understanding and consensus for RTS. She presented the discrepancy of government data available and showed how this gives a completely misguided picture of sanitation coverage in India. The presentation articulated the need for RTS and the key actors to ensure this right in the country. These actors include – government as policy maker, regulator and allocator of resources as well as service provider, independent public monitoring bodies, community and civil society organization or CSOs, industrial and agricultural water users, international NGOs and private service providers. In order to define RTS four issues are very important- availability, accessibility, quality and affordability. The presentation also provided a critique of rural, urban and school sanitation policies and programmes of the government. The presentation concluded providing way forward to better understand the issues related with sanitation.

Discussion

Rakesh Dewan

- The data is dependable but data is sourced from government. Don't go by government data. He gave the example of rehabilitation in Madhya Pradesh where there is no data about number of people rehabilitated in the state.
- He cited the example of NREGA with Nirmal Gram. People were provided with sanitation facilities but they had no food to eat.
- The need and understanding of toilets is very essential here. In Bihar, women feel that the time they go out for defecating in the open with other women is their time for socialization. There are examples of women saying that they don't need toilets because that will cut down their time and space for socialization.
- Same goes with water and local as well as societal understanding around water is very important to know the need of water. In the ritual called "*waju*" every Muslim person, before offering their prayers uses only jug full of water to wash up. Now they cannot be forced to use more water or their hygiene needs.
- In the traditional system people decided their hygiene norms based on the resources available locally.
- The NGO struggle starts challenging the state. Can we stop that and have the beginning of a new process from ourselves.

Upma Diwan

- Cleaning the toilets is a job that is done on the lines of the caste and class. The problem of sanitation is also in the kitchen and schools in urban areas which also suffer from the problem of sanitation.

Amod Khanna

- Ecosystems needs of water must be kept in mind while conceptualizing the rights.
- From the perspective of water conflicts, the interlinking of Narmada and Kshipra should be analyzed.

Saleem Romani

- Attention must also be given to the invisible pollution which is groundwater pollution and contamination.
- Government policies have neglected scientific knowledge and this is a serious issue.

A. K. Gupta

- The presentations were good but long-term commitment to bring these rights into reality is very important.
- One problem is with the understanding of development – this means a lot of wastage of water in urban spaces.

- State cannot be seen only as a service provider as this will reduce our rights or consumer rights.

Ravi D'Souza

- Behavioral aspect of sanitation has to be changed. The relation between health and sanitation has not been understood yet and sanitation always receives the lowest priority.
- Polio eradication could have been done earlier if there was proper sanitation.
- Proper sanitation is very important and consensus must be built on this.

Vijay Mishra

- Root cause analysis of the discrepancy between government data and other (NGO surveys) should be done.

Suhas Paranjape

- Our starting point should be to chart a course between the statist and market viewpoints and concentrate on increasing people's control over the process. We need to learn from traditional systems but not try to return to them but move forward by incorporating the learnings from our old systems.
- Ensuring eco-system regeneration is the first priority and in a sense all other rights come after that.
- The discussion is not about commodification as only pricing does not mean commodification.
- Groundwater was left out but groundwater contamination was mentioned in the presentation.
- Scientific knowledge along with participatory understanding, a mix of these two is very important. Both these knowledge are necessary. It is true that sometimes in the name participatory rural appraisal scientific understanding is ignored.

Mamata Dash

- How to visualize the state is a very important question and we should not see it as a service provider. State should have the obligation to provide a right.
- Criminalization of open defecation is a very problematic issue as this will target only the marginalized sections of the society. This criminalization process is a design run by the state which in turn is run by a capitalist system. Jairam Ramesh is central minister who advocated criminalization for open defecation and he should be made accountable for his statement.
- Data is important because this is the language that the government understands.
- It is not the people who need change to their behaviour. Rather the government needs to understand people's behaviour, knowledge and practices.

Ransingh Parmar

In his summing up Ransingh Parmar who chaired the session said:

- The bigger picture of WASH (Water Sanitation and Hygiene) must be brought in here. Four things are very critical here which are following.
 - Empowerment: Government, CSOs, NGOs and societies, all need to be empowered.
 - Accountability: Parties must add water and sanitation issues to their election manifestos and governments must put this into action.
 - Advocacy: Advocacy in all.
 - Security: Security around water and sanitation.

With these remarks, Ransingh Parmar closed the first session and thanked all for their inputs.

Session 2

The second session was on “**Programmes, Policies and Status of Drinking Water and Sanitation in Madhya Pradesh**” and Rakesh Dewan chaired the session.

Dr. Keshab Das, Gujarat Institute of Development Research (GIDR), Ahmadabad made a presentation on “Drinking Water and Sanitation in Rural Madhya Pradesh: Issues and Challenges for Policy”.

- In his presentation Dr. Das said that his presentation was based on his paper with the same name. This paper attempts to review, from a policy perspective, the status and performance of rural drinking water supply and sanitation in Madhya Pradesh mainly during the last decade or so. In doing so, it identifies issues related to water availability, quality, sustainability and role of state agencies in addressing these. Similarly, though briefly, it looks into the status of sanitation in the state and discusses factors responsible for the poor coverage. This paper is based solely on available secondary data, literature review and discussions with concerned officials and functionaries from both government and civil society organisations; no village surveys have been undertaken for the study.

Discussion

Asad Umar

- The new drinking water guidelines attempt to get rid of the habitation coverage and go to household coverage.
- Drinking water is leading to over exploitation but handpumps are not the reason for this over exploitation.

Mathew Luckose

- Homeless, landless do not have any access to water and sanitation. Bhopal Municipal Corporation or any other state body does not take care of these people. How can we take their concerns into account?

A. K. Gupta

- Data is insufficient and incomplete and the position is not that miserable. There is tremendous scope for improvement. Technical innovations for better water supply and sanitation should be looked into seriously. Rural areas have the scope to go a long way with hand pumps.

Amodh Khanna

- Sanitation is more than toilets but there is no data available except for toilets. We need a mix of data from many sources.
- We can demand for safe disposal of waste.
- Sanitation should be linked with child growth as diarrhea and other diseases affect child growth.
- People today are migrating from one rural area to another rural area and we need to look at their water and sanitation needs.
- In a right based approach to water, water distribution, groundwater mechanism and monitoring mechanism need to be properly functioning.

Murlidhar Kharadia

- We need to look at small towns as well under the water and sanitation programme.
- Drainage system also needs to be seen along with water and sanitation and these all need to be seen as a package.

Keshab Das

- Data on drainage or liquid or solid waste management is extremely problematic.

Rakesh Dewan

- After Digvijay Singh all the three Chief Ministers of Madhya Pradesh have focused on water and huge investments have been made. Newer words have been added in the policy names as well in the policy documents but the ground reality has not changed at all.
- The Water Resources dept itself has agreed that the data is problematic as the methodology used was wrong. Irrigated area in the state has increased in papers and documents but no one exactly knows how much water really reaches the field.
- Scientific knowledge must be seen along with practical implementation.
- Data is confusing and we should not go by them. Rather attempt should be made to understand the politics of data.

K. J. Joy thanked the presenters and the chairpersons and other participants. He also brought the notice of the house to the intra-city and intra-space distribution of water.

Session 3

The third session was on “**Legal and Institutional Issues**”. Amod Khanna chaired the session. Sujith Koonan from Environment and Law Research Society (ELRS), New Delhi made a presentation on “Legal and Institutional Issues Related to Right to Water and Sanitation in India”. Sujith said that he had made a power point presentation but as most of the issues of that presentation have already been covered in the presentation on RTW, he will focus on several other aspects.

- Need for a right over water may not be useful now but in future this will be helpful. Problem is with the presumption that we already have a right to water and sanitation and then talk about the content of RTWS. We lack in understanding what it means to have a right over drinking water and sanitation. What is the result of violating these rights? There are also problematic issues regarding the quality and quantity.
- The right to water and sanitation does exist in Indian constitution. We can argue for it as a natural right. In legal terms, this called derivative right. We don't question other derivative rights, so why should we question RTWS?
- We can also argue in favour of RTW and RTS as both of them are socio-economic rights again in a derivative fashion.
- We have programmes and policies like Total Sanitation Campaign and Nirmal Bharat Abhiyan. The content of these programmes is discussed in their guidelines and these become the norms without much of a questioning. If we have a problem with these programmes we cannot challenge them in court as only laws can be challenged.
- We can also view RTWS from the perspective of universal entitlement.
- We need to be cautious in the use of the terms ‘need’ and ‘right’. From a legal perspective, ‘right’ implies assurance of provision whereas ‘need’ implies no assurance of provision. We ought to decide whether ‘need’ should be consciously changed to ‘right’.
- The rural-urban division of water is problematic. How can basic needs be differentiated? How it is decided that people in urban areas need more water than the rural areas?
- The idea of free water is very important as free water implies water available through public stand points. JNNURM attempted to remove these free water sources, slowly moving towards pay for water. But approaching water from human rights perspectives will imply that water accessibility cannot be left to the market forces.
- Important to note that, private water suppliers also argue that they are better equipped to provide water and use the terminologies like ‘access’, ‘need’ and ‘right’. This must be dealt with carefully.
- Water right should not be delinked from land rights.
- It is good that we now have a consensus around the need for a right to sanitation. Manual scavenging is a grave issue and if one is provided with RTS, this should mean ending manual scavenging as well. Manual scavenging is violation of human right and this should be banned.

- Open defecation is also related with gender violence. Cases of gender violence during open defecation have been registered and conviction has been done in number of cases. This can be viewed as a realization of right to sanitation.
- Seeing open defecation as the socialization space for women is laying the arms down in front of age-old patriarchy. We should aim for proper toilet facilities for women along with different public recreation space.

Discussion

K. J. Joy

- RTW exists in constitution but explicit expression of RTWS will help to ensure better access to water.
- In Bengaluru, interesting experiments have been done regarding providing sanitation facilities where trucks with proper toilets visit societies.

Mamata Dash

- If there is right to water and sanitation, then why there is so much of demand for this right?
- In regards of gender violence and conviction, there are enormous examples that cases of rape go on for years. This is a complex political issue.

Chaya Khale

- What is the future of water? Does it lie in rationing of water?

Keshab Das

- In Netherlands research is going on to develop technologies through which waste can be reused to make different products.

Suhas Paranjape

- Policies are not justiciable, so policies are not enough to ensure RTWS.
- Socialization during open defecation is an imposed choice.

Rakesh Dewan

- There are two forces working together. First one is commodifying water and rivers and the second is government which repeats its mistakes. Expecting that the state will ensure monitoring of rights is futile.
- The example of women choosing to defecate in the open is old. The recent example is of Barwani, Madhya Pradesh where tribal people don't want to use water.
- We should not try to just counter the government agenda. The aim should be to build our own agenda.

Sujith Koonan

- Mentioning about derivative rights is important as it exists, but we should focus on the content of RTW and RTS.

- Bengaluru example is welcome, but manual scavenging is much more controversial. There are cases where lawyers are fighting to make the court understand that carrying human excreta with hands is as humiliating as carrying it on the head.

Amod Khanna

- We need to see this from the perspective of conflicts.
- This is the time we should demand right over water and sanitation. The moment this is granted, our relation with state changes. A citizen becomes a right holder and the state becomes duty bound.
- Civil society initiatives and institutional mechanism to demand right over water and sanitation should be emphasized.

K. J. Joy thanked everyone for discussing the content of RTWS as these can be included in a better conceptualized RTWS.

Session 4

The fourth session was on “**Case studies/Experiences**” and Upma Diwan chaired the session. There were nine presentations in this session but due to shortage of time, it was decided to do some of the presentations the next day. The 5 presentations made in this session were as follows:

1. Drinking Water and Sanitation programme in Madhya Pradesh and Government Accountability: Ransingh Parmar, Mahatma Gandhi Seva Ashram, Gwalior

This presentation focused on the WASH campaign. The sanitation situation in the state has much improved. There was a time when villages used to have line of people sitting to defecate. Today even for marriages the bride’s family enquires about toilet facilities at home. Development has increased population density and problem of sanitation has also increased due to lack of proper facilities. WASH campaign focuses on providing toilet facilities to marginalized groups. The implementation of programme is done through pachayats. Regarding water government claims that 82 % of the hand pumps are working where as only 52 % are in working condition. Under the WASH programme, they checked four water supply schemes and four of them were not working. He also said that government data is mis-guiding. They checked a village in Sheopur which according to government records had been fully covered under sanitation but out of the 46 households none of them had any toilets.

2. Water and Sanitation in Schools: Issues and Prospects in the Context of Right to Education: Devendra, Dharti Sanstha, Morena

He started his presentation saying that data is important but government data sometimes can be grossly misleading. He gave the example of a website run by MP government which updates the number of schools covered under sanitation. The figures mentioned in the website suggest MP has reached total sanitation in all the schools. But their study has shown that 21.5% schools have toilets facilities, but those are not properly used as the teachers keep them locked most of the time. On the other hand only 53.5% schools have drinking water facilities in the school. Right to Education guidelines suggest that there should be barrier free access, separate toilets for boys and girls and safe and adequate drinking water facility for all children. But in reality, nearly 50%

girls drop out from middle school due to lack of water and sanitation facilities. Due to the same reason nearly 25% girls drop out of primary schools.

3. Community Approach to Address Fluoride and other Water Quality Issues: Gayatri Parihar of Vasudha Vikas Sansthan, Dhar

Introducing Vasudha Vikas Sansthan Gayatri elaborated on the work that Vasudha Vikas Sansthan is doing in Dhar district. The groundwater in the district is highly fluoride contaminated and when Fluorosis spread in the area it was first thought to be polio. The fluoride contamination was a severe problem because people used hand pumps and wells for water and there was no alternate source. WaterAid first undertook a study in 2008 and water test and urine tests were done. In Bahadara area, Vasudha tried to provide alternate sources of water by renovating the old wells. The old tanks of the PHE department were also rehabilitated. WaterAid supported covering the drinking water wells. In Nidha village which was close to the river, wells were renovated. There were new water tanks made to get the supply from Narmada's water but it is still a long way to go.

4. Water Privatization in Madhya Pradesh: Rehmat, Mathan Adhayan Kendra

Rehmat began his presentation showing a press release of Madhya Pradesh government where Chief Minister had said he would protect the right of the people over water and there would be no privatization of water. He pointed out that MP Water Policy and other water supply programmes in the state come out just before the elections. But he said that the state government had already commodified water and World Bank had played a big role in moving towards this through its schemes in the state. Under the JNNRUM and UIDSSMT schemes state government had taken huge loans from World Bank. There is also another scheme named 'Mukhyamantri Pey Jal Yojna' which again will be run through loans from World Bank. In the process of getting this loan, the government is even including cities and town which have surplus water, putting them under a huge debt burden. Badwani is one of the towns where people have surplus water supply, even after that newer water supply schemes have been introduced. The Chief Minister also claims to have 60 lakhs new ponds in the state under his rule, but if this would have been true the whole of Madhya Pradesh would have been under water.

5. Water supply in Arid Regions of Madhya Pradesh: Suresh Mishra, Sampark

In his presentation Suresh Mishra elaborated on the work that Sampark has done. Sampark had worked with Bhil tribes in Jhabua district which shares borders with Gujarat and Rajasthan. Sampark had done rain water harvesting in arid region of the state using a mix of traditional system and modern technologies in order to provide water to the people. Sampark had also installed rain water harvesting system in schools to provide water in schools.

Discussion

Jintendra Birla

- What is the alternative to government?

Devendra

- NGO's have done work and there are examples where NGO's have done work spending much less than what government had spent on similar kind of projects.

Keshab Das

- Has NGO's become co-opted rebels? Need to revisit their concerns.

Hemlata Sharma

- The common people for whom different policies and programmes have come, they are not aware of those. There is a need for cooperation to make them aware.

5 December, 2012

The day began with Gaurav Dwivedi from Mathan Adhayan Kendra giving a brief on the activities of the previous day. He also focused on the things left out in the discussion of the day before.

Session 1

The session on 'Case studies/Experiences' continued and Sushil Joshi chaired the session. Four presentations were made.



Sushil Joshi chairing the session

6. Watershed Development and Drinking Water: Murlidhar Kharadia, Samaj Pragati Sahayog

He gave a small introduction of Samaj Pragati Sahayog (SPS) which works in Bagli tehsil of the Dewas district, one of the drought-prone tribal pockets of India. Water is a focal point of intervention with communities that SPS works with. SPS has been involved in watershed development in this area. SPS has worked in 74 villages treating an area of 46,000 ha. They have made 298 Water harvesting Structure creating water storage capacity of 40 lakh cum. As a result of this hundreds of Adivasis living away from home have returned to cultivate their land after 30 years. Adivasi families who had grown a single rainfed crop all their lives are now cultivating 2-3 crops. Migration is no longer a distress phenomenon and the terms in the labour market have changed in favour of labour. It is not clear whether this has solved the drinking water problem everywhere. In some villages where main source is groundwater, drinking water is still a problem despite watershed development. He suggested that in watershed development priority should be given to drinking water availability and drinking water security plan must be incorporated in the watershed plan. Aquifer mapping should be done for management of groundwater.

Gayatri Parihar added after his presentation that drinking water availability through watershed should be linked with water quality.

7. Water Bodies and Access to Water Supply Services: Devjit Nandi, Navrachna Samaj Sevi Sansthan, Bilaspur

- Chhattisgarh replicates Madhya Pradesh regarding issues of water and sanitation
- Chhattisgarh is said to be state where ‘poor people live in rich lands’
- The demand for a separate state was huge but demand for water has not been a huge issue. Chhattisgarh doesn’t have a huge water accessibility problem.
- Irrigation is not a huge demand due to the shifting cultivation practiced by tribal communities.
- Mahanadi flows through the state and there are 7 dams on this river. Korba river has huge industries around it and World Bank has invested huge sums. In 1970 World Bank has invested in LANCO power project. The water of the river has become a commodity of the World Bank.
- Industries around the banks of the river are huge water intensive industries.

8. Bhopal Gas Tragedy and Groundwater Contamination: Raju Kumar, Journalist

- The Bhopal Gas tragedy has impact for generations.
- Groundwater in 5 km radius of the factory is contaminated.
- Chemical waste is lying in the factory premises for years now and disposing those has become a critical issue.

9. Traditional Water Systems in Madhya Pradesh: Rakesh Dewan, Journalist

- We need to critically look at the idea of ‘traditional’ as many of these ‘traditional’ systems are still prevalent. One such area is Bundelkhand.
- The lakes in Bhopal are very important sources of water as 60% of the city’s population gets water from the lakes, but it is the people who are killing these lakes. Raipur, now capital of Chhattisgarh had a very systematic way of digging ponds. In Jabalpur ponds were very much taken care of and they were kept beautifully. But the question today is, what are we doing with these ponds?
- In Badwani, during drought situation it was the digging of ponds which provided water to the people. The community took the responsibility of the ponds and those are still functional. Rehmat from Manthan was actively engaged in that work.
- Government money is wasted through introduction of newer phases of the same water supply scheme. Atal Bihari Vajpayee, when he was the prime minister, inaugurated a new water supply scheme in Indore. But it led to nothing, and new phase of the water supply scheme was introduced.
- Today people are losing their relationship with natural resources as well as with water. There was a time when, during marriages the well in the house used to be worshipped first of all. But this ritual is hard to find in marriages in the state. This is also because the new development thinking has underestimated the relationship of people with nature.
- Today the discussion happens on watershed mission without taking into account the local or traditional knowledge.
- People must realize the need of water. In the case of Badwani people had realized their relation with ponds. They have the sense of ownership with the water-bodies.
- Water today is treated like a market commodity and we should come forward with our own arguments against it.

Discussion

Upma Diwan said that old systems are useful in today’s context as well.

Rehmat discussed about the Khandwa water distribution system. One of the most prevalent ideas today is that private consultants are better and efficient than government officials. He cited documents of recent water supply projects, which showed that the former idea is mis-leading.

Sushil Joshi closed the session with an emphasis on securing the alternative water sources.

K. J. Joy briefed all the participants about the breakout group activity and put forward the following issues for discussion –

Group on Water

1. Whether there should be an explicit, legally enforceable right to water in the country?
2. What should be the content of right to water?

3. What could be the institutional arrangements for the realization of this right?

Group on Sanitation

1. Whether there should be a legally enforceable right to sanitation in the country?

2. What should be the content of right to Sanitation?

3. What could be the institutional arrangements for the realization of this right?

4. Can coercive methods (by state, gram panchyats, NGOs) be used for the enforcement of this right especially against open defecation?

The house decided not to break into groups and discuss the issues in an open house. Ravi D'Souza was requested to coordinate the discussion.

Session 2

Discussion on Right to Sanitation (RTS)

Keshab Das

- This is not the time yet to enforce RTS as system not geared to enforce it. The right must be linked with infrastructure. Physical supply side constrains must also be discussed.
- More an issue for the landless or those with no domicile. Is the RTS necessary for such groups? Clearly, yes, for example – slum chaps in cities.

Sushil Joshi

- What exactly is the RTS? What is the obstruction to sanitation? Is it being denied? Only when there is a problem, can there be a 'right' to it (water supply is a problem, education is a problem)
- Anti-dowry women get no awards, only a bride who rejects a home because it has no toilet!
- There is an attitude problem – shame of open defecation is a problem of not the defecator, but the watcher. It's a racket to make money for contractors who will build toilets.
- Defecation in a closed room is actually a stress on resources - need to look at it from that angle
- The insistence on toilets is a means of snatching the 'commons' from the people, by criminalization of open defecation, especially in rural areas. Yes, open defecation is a problem in say, the monsoon, for the old, women but there is a need for a dialogue as fewer open spaces and why is it a 'right', an excuse to impose something on some.
- Dialogue with people is very important. This will bring out how a village or a community wish to deal with problems of sanitation and it is important to note that open defecation is not a crime.

Ravi D'souza

- Yes, need a dialogue, can't impose a solution. But it impinges on the right to be healthy for others. Link to health is clear. So, the need for some kind of rules, maybe not compulsion.
- We need RTS. A legal guarantee around it is necessary. However we also need to think about how it may be misused.
- Before RTS there should be talks with people, but they also have a duty to ensure human and ecosystem health.
- Increase in slums has led to increase in density. Population is increasing rapidly even in rural areas.
- We need RTS but must explain why this right is necessary. It is important from health and sanitation safety.
- Environment perspectives. Then if people agree, can enforce RTS on them. They won't be criminalized then.



Percipients during the discussion

Asad Umar

- The issue is safe and sustainable drinking water. And we have linked sanitation with this. Nearly half of drinking water is contaminated with bacteria due to unsafe water practices related to unsafe defecation. So, we need to identify where the problem is?
- Gangetic plains drinking water is unsafe due to unsafe sanitation. How much investment in developmental technologies to deal with this? Also, region-specific technologies needed.
- Our cities are floating on sewage; we need to talk about safe defecation, not open defecation vs. toilets.
- Good that Sushil Joshi brought it up, we are criminalizing too many issues.

Rakesh Dewan

- Open defecation is not the culprit in the Gangetic Plains. Main problems for Ganga are industrialization, fertilization, tannins released into the Ganges. Another big worry for Ganges is the upcoming dams.
- We need to find ways of fighting problems, not just enforcing laws.
- Yes, as Sushil Joshi said, in crowded areas sanitation is a problem. In others it is not - tribal places, etc. In some places, they pay you to shit in the open. We need to think about the issues deeply and seriously.

Raju Kumar

- RTS is needed in places like schools and *anganwadis* where sanitation is not enforced under RTE despite Supreme Court directive.
- We need to change our ways to demand better sanitation. So, existing rights need to be enforced.
- I don't agree with the need for open defecation as a social activity and we need to change that.
- Nirmal Gram scheme worked fine for a year in one village but later failed. The reason behind - it was low-cost and not adequate, had a short life.
- Even if a toilet is made, the problem of water supply still exists. Where will the water for flushing come from? Where will the sewage go without polluting?
- First, let us promote school and community toilets rather than individual rights.

Devendra

- Question is why we need rights? Is it about dignity, equity (for children)? Maybe 50 years ago, it was all okay. Today, it's different. There is discrimination against poor. But is dignity not necessary for everyone?
- So much money wasted on treating diseases. The first priority should be health. So, sanitation should be a primary issue and government engagement is needed here along with social accountability.

Ajay Shukla

- Sanitation is important - not a legal issue, it's a social issue. There are experiences when we took time (1-2 years) to work with people and explained to them the pros and cons of sanitation. This process worked better than enforced rules.
- It is very important for people to know why sanitation and toilets are necessary. These should be related with the benefits to individual and family health. Laws don't work in this regard.

Fr. Augustine

- Law is not a solution. It is not a remedy for the problem.
- 20-25 years ago, no bottled water existed. It was possible to drink water from any source. Now, it is not possible as all drinking water sources are not safe. In 10-15 years, it is the responsibility of the present generation or a duty to keep/conservate nature and resources for the future.
- Social interaction during open defecation is a forced adjustment.
- Without excluding anyone, we need to go ahead. If one is comfortable with facility, same should be given to another. Need to improve situation, need to demand power from state. But it's nobody's responsibility till problems are resolved in court.

NGOs need to step up. Laws are required but they should not be viewed as the ultimate solution. Spreading of awareness is very important.

Ransingh Parmar

- Water: distribution and privatization are two major issues. Who gets water from where is a big issue even if water is a natural resource and here RTW becomes important.
- Sanitation: traditional ways are not always progressive. We need to move ahead. No excuses should be made to keep things traditional that are backward.
- There is a difference between *gobar lep* on the floors of homes versus spreading human excreta on them. The former is okay, latter is not.
- Open defecation anywhere is fine only if it does not impinge on another person's rights.
- We have lots of other reasons for toilets - not just health, but also dignity, especially when it comes to women.
- There should be some ethics, some drawing of lines between what is civilized and what is not. For example, open urination is looked- is a no-no. There should be minimum rules so we can all live together in a healthy society with dignity.
- It is an issue of dignity. To live in a healthy society we also need to be empowered with access to resources just as there is Right to Food.

Mathew Luckose

- When toilets increased in number from 10% of the households to 90% in a village we worked in, doctors' visits to the village reduced, health increased.
- Open defecation is on par with public smoking. If we can come up with laws for the latter, then we should do the same for the former as well.
- It is an issue of space - so need toilets. It has to be a 'right' to ensure that.
- Equity issue - for children, the old, etc., a 'right' is necessary.
- Cannot compare *gobar lep* with human excreta as these two are different things. Both have negative impacts on human health.
- Law is essential. If there is no law, we cannot make demands.
- It is a natural right - without water and sanitation, we cannot survive. It is a birth right to have safe disposal, also my duty to respect others' rights.

Sujith Koonan

- We need to work further on this - Why RTS should be asked. If yes to RTS, then what this right should be. There are four main actors in deciding this:
 1. State
 2. Private sector
 3. NGOs
 4. Communities

Out of these four, only two are continuing groups and we cannot impose a duty to provide sanitation facilities on any group except the state. So, need a legal RTS, to force responsibilities on agencies.

- To fight, we need a law. A law is not the only way - lobbying, writing, spreading awareness, but all these do not exclude the utility of a law.
- Communities are not homogenous everywhere, so, we cannot rely on it as a single category. Law can also help fight when there are differences within a community but law is only part of the answer.
- Criminalization of open defecation - We need a different argument. We should not think that anyone enjoys open defecation. Open defecation is choice made where there was no other choice. Criminalization of open defecation is against the spirit of the RTS, making the poor criminals.

Gaurav Dwivedi

- RTW is more important than RTS. But we cannot separate the two and one is dependent on the other.
- Focus has been greater on rural and if there is no water for drinking, can't speak of sanitation. Unless and until we can ensure water via RTW, RTS is not possible even if we have a law.

- Urban private participation in water and sanitation, in community toilets, sewage treatment and disposal will mean that only those who can afford will get the facilities. If you had less money, you would have to pick what you can afford and sanitation will then suffer. So, how to deal with this problem?
- Both water and sanitation are important, but implications are different.
- There are more issues than just providing toilets and that of open defecation. These are disposal treatment, pollution of groundwater and surface water etc. We need to look at all these issues as well. Whether legal solution or not, we need a solution to all these issues.
- We also need to think whether policies address inequality. There is also lack of political will, etc.?
- Yes to RTW, RTS is beyond my understanding.

Suhas Paranjape

- Should sanitation be a human ‘right’? I agree with Sujith.
- Also, need to take both criminalization of open defecation and what Sushil Joshi said seriously. There was an Elizabethan English Law where vagrancy was criminalized. But here first an individual is forced to become vagrant as state cannot provide employment and then it is the state that criminalizes this. This is happening with open defecation more in urban areas.
- Problem of open defecation in slums – one of the major problems in slums is that toilets cannot possibly be built in homes. So, we cannot criminalize people defecating in the open.
- ‘*Sabhya*’ versus ‘*asabhya*’. What is right or wrong? We need to think about it. [Gambling and alcohol are run by the state, are not illegal].
- Greater tolerance is needed or else we’ll become fascist.

K. J. Joy

- What does RTS contain? It is unclear to me. Besides, RTS is not a settled issue.
- The way the government is going about sanitation, we need to take a stand, be very critical.
- Two issues to be sensitive to - 1. Scale and 2. Concentration. The issue of sanitation is different in low versus high population.
- Religious festivals - pilgrimage - Sabarimalai, defecating in the river. In such issues, the right of the downstream people is also important. We need to take a critical stand about these issues as well.
- As in Kerala, land use is changing; the distance in homes between a toilet and wells is decreasing. We need to pay attention to society, ecology and health.
- We need to articulate things differently. State’s responsibility should be agreement of people, ecology, etc. How can we do that?

Rehmat

- Often, when we raise such issues, we are at odds with the government. So, at the times when they agree with us, we need to understand why.
- Punjab and Haryana during green revolution were used as examples to popularize tubewells. Now, we know why the government did that. We, NGOs helped the government in many such issues, Jatropha, forest rights, etc.
- When we don't support the government, we are penalized. We need to find out the reasoning behind the government's actions.
- There is too much diversity; we can't have a single law.
- RTW is necessary. How to manage water can be left to the communities, but it is the duty of the state to find out how much water is needed and then ensure the availability. The responsibility of dealing with the technical details lies with the state which includes matter such as spacing of wells, how many tubewells are necessary etc.
- Anything is possible only if people feel the need.

Mamata Dash

- We are still following the norms of the government to define sanitation. Sanitation is still being seen in terms of toilets and open defecation. Besides, that is the Hindi term for 'sanitation'. Relating improved sanitation only with removal of open defecation will provide a poor basis for RTS.
- We need to redefine sanitation and then move to the next step of asking who is responsible and what all affects it.
- We need to listen to what people are saying. What is the concept of sanitation for people? We need to stop talking about changing people's behaviour.
- '*Sabhya*' versus '*asabhya*' ('civilized' versus 'uncivilized') - we need to critically look at their definitions.
- Politics behind government behaviour should not be ignored - need to scrutinize.
- Criminalization of open defecation is criminalization of poverty. I agree with Sujith, we need to take a stand.

Amod Khanna

- I think there is some confusion. RTS is not right to open defecation. What does an individual's right to sanitation mean? It means that domestic waste disposal of an individual will be done safely. That is an individual right. The way this will be done, the method, is an issue of technology.
- Waste in public spaces is also an issue under right to sanitation. Greywater/rainwater disposal should also be done safely. Open defecation is a better / easier way of removing waste.
- Let us learn from RTE. RTS has to be free and universal, there should be no discrimination. Then, it can only be done by the state. Let us not involve private agencies like in the RTE.

Devendra

- How we collect data is important - biases in interpretation of data and numbers depend on vested interests.
- Sanitation must not be linked to open defecation only. We need to understand all the dimensions to sanitation.
- Impinging on the rights of others, can't play music in national parks, for example protects the right of some. Don't people have cultural rights? So, is open defecation a cultural right? It can't be enforced.
- Has the ban on public smoking reduced cancer? We need to know this answer if we wish these actions have their desired effects. It is difficult to conclude on this issue.

Asad Umar

- Response on the issue of Gangetic Plains: The problem is due to monsoon overflow, MP is not so vulnerable.

Ravi D'Souza

- Sanitation is not just open defecation, other waste disposal as well. We should focus on that. Sanitation needs more discussion and deliberation because this is very tricky as far as legislation goes.
- Difficult to make a single law for a diverse country.
- Relation of sanitation and drinking water with health is not well understood. From my experience, I can say that this relation needs to be disseminated at various levels and across all groups - NGOs, people, government, etc.

Concluding Session: Way Forward

Discussion

K. J. Joy thanked all the participation for sharing their views and making it a rich discussion. He asked all the participants to give a broad feedback on the whole workshop.

Ravi D'Souza

- We must remember that water is a finite resource, responsibility of using it without wasting is very important.

Keshab Dash

- A critique of Central and State government initiatives around water and sanitation can be done. A retrospective of the policies can be done - let's say from 1980.
- Gender issue and its relation with RTWS need to be focused.

Mathew Luckose

- The discussion was on multi-sectoral issue.
- We can do little more strengthening of RTS.

- This process should continue and Forum can revisit this situation in sometime in future.

Ransingh Parmar

- There were too many agendas in short span of time. Some of the things were left out e.g. 'Maryada Abhiyan' in Madhya Pradesh.
- The dropped presentation of Madhya Pradesh Jal Nigam would have made a very good contribution to the discussion.
- The focus should be on making it more precise on these two issues.

Rakesh Dewan

- RTWS is a part of a continuing process. I felt that we are only addressing a situation. We need to look at a longer history.
- We missed its broader context – need to discuss it as a political issue.
- Let's not make this workshop end here. There should be revisiting on this in future.

Sushil Joshi

- RTW overview was not replicated in RTS
- The elaborate discussion which had taken place today should have taken place yesterday.
- We have discussed RTS in detail today, but same need to be done for RTW.

Upma Diwan

- There is not a clear definition of sanitation.
- School sanitation needs to be thought out differently.

Amod Khanna

- This workshop should be of two full days and where one day should be focused on RTW and another should be on RTS.
- We should also bring climate change into the discussion.
- This is a workshop to know people's opinions on RTWS, this is not a brainstorming session. So other stakeholder should also be invited.
- We need to bring more discussion about traditional system.

Mamata Dash

- One and a half day is less for this kind of workshop. Without discussing the issues in detail we cannot move to deal with specific issues. Besides, this process should be continued.

K. J. Joy

- The time itself was a limiting factor. This was the first workshop in the series of workshop so after this we can redesign the whole process and you can comment on that.

- Regarding continuing this process the responsibility has to be taken by someone or some organization in Madhya Pradesh itself and this can be voluntary.
- The discussions were very analytical and newer ideas and insights have come to light. We may also request you to join us in our next workshops to carry forward these ideas.

The workshop ended with vote of thanks from Parag Jyoti Saikia on behalf of the organizers.



All the participants of the workshop

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