

# Rethinking Governance of Public Toilets

## Lessons for *Swacch Bharat* from Hyderabad

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Based on an audit of public toilets in Hyderabad, this article argues that public-private partnership projects seem to have compounded the problems of inequitable spatial distribution and inefficient operation of toilets. They have also failed to address the problem of lack of facilities for women and differently-abled people. With the *Swacch Bharat* Mission, the way forward must involve a careful rethinking of public toilet governance, including revision of planning norms, providing statutory backing to these norms, and creating effective regulatory institutions. This is essential to alleviate the intensifying everyday contestations between those who desire a “clean city” and those who are forced to defecate in the open.

In Indian cities, there is a tension between middle-class aspirations for a clean and orderly city and the bodily needs of millions of urban poor with no access to toilets. This tension has until now been manifested in expressions of frustration, angry remonstrations, and occasionally vigilante actions. One of the earliest analyses of this tension appeared in the *Economic & Political Weekly* in 1995 following the death of 18-year-old Dilip at the hands of irate home owners and local policemen in New Delhi for the crime of open defecation (EPW 1995). Four slum residents died in police firing and more than a hundred were arrested in the protests that followed Dilip's death. Baviskar (2002) recalls the incident while highlighting the nature of emergent politics in the city,

Delhi, on the morning of 30 January 1995, was waking up to another winter day. In the well-to-do colony of Ashok Vihar, early risers were setting off on morning walks, some accompanied by their pet dogs. As one of these residents walked into the neighbourhood ‘park’, the only open area in the locality, he saw a young man, poorly clad, walking away with an empty bottle in hand. Incensed, he caught the man, called his neighbours and the police. A group of enraged house owners and two police constables descended on the youth and, within minutes, beat him to death.

In recent years, the outrage of the “orderly public” – those upholding taxpayers’ entitlement to a clean city against transgressions by the “disorderly public” – has been taking novel forms. In a recent video, from a channel called “The Clean Indian”, the outrage has taken an absurd revanchist colour. It shows a water truck, called the “Pissing Tanker”, sneak up on unsuspecting people urinating in public and blasting them with a water-cannon.<sup>1</sup> The message says, “You stop. We stop.” This video had been watched almost 3.5 million times by 3 November 2014. While some comments on the website pointed to the lack of access to sanitation and the unintended irony of the campaign’s approach, the video had received a “thumbs up” from almost 92% of its viewers. Heavy fines have been proposed in some cities against individuals who urinate or defecate in public (Akram 2014). The proposed fines, ranging from Rs 100 to Rs 500, could mean anything from a day’s wage to a week’s wage for sanitation-deprived urban citizens.

The lack of access to sanitation infrastructure is not only a matter of class. It is also a matter of gender. *Q2P*, a documentary directed by Paromita Vohra, succinctly and powerfully unravels the inequalities of class, caste, and particularly gender that pervade the public sanitation infrastructure in Indian cities. In Mumbai, the Mahila Milan, an organisation of

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pavement-dwelling women, began pooling resources to construct community toilets in the 1990s. In slums across the country, several welfare associations have sprung up around the issue of sanitation. In Mumbai, again, sanitation-deprived women have launched a campaign called the “Right to Pee”. The campaign demands that the existing male-biased public sanitation infrastructure be upgraded to include them as well.

This, then, is the sociopolitical reality of Indian cities that the recently announced *Swachh Bharat* Mission must contend with – divergent efforts to secure the right to sanitation and the right to a clean environment that clash, sometimes violently, with the right to public places. The *Swachh Bharat* Mission has announced sanitation and cleanliness as major priorities for the country. It promises to secure both the right to sanitation infrastructure and the right to a clean environment for citizens. Without discrediting the need for attitudinal and behavioural changes, this essay argues that there are structural issues that need attention. Based on a recent audit of the distribution of public toilets in Hyderabad, and a review of the existing norms and guidelines for providing public toilets, it argues that the incentive structure and the revenue model for providing public sanitation infrastructure is deeply flawed and needs to be rectified. Specifically, it recommends the creation of mechanisms and statutes that adhere to better planning and operating guidelines. The arguments made here are more generally applicable to other civic amenities being provided under the public-private partnership (PPP) model.

At the outset, it must be recognised that in the popular imagination there are only two kinds of toilets – the private and the public. In reality, there is a further division among public toilets. There are those constructed for particular communities or neighbourhoods in poor residential areas – community toilets. And then there are those provided in public places such as markets, transit junctions, and parks – public toilets. The former has a pre-constituted community of users. The latter is used by a more amorphous group. Some of these users could be regulars such as hawkers, vendors, and workers, while others could be from transient populations such as visitors and shoppers. Community toilets are provided by public investments but maintained by the community. Public toilets on thoroughfares cannot be maintained by user groups. They require maintenance by a public agency.

Although there is a significant amount of literature on community toilets, very little has been written about toilets in public places. Yet, the literature on community toilets provides some useful insights for toilets in public places. For instance, the importance of good governance for toilets (Burra et al 2003); the vital role played by toilets in structuring the everyday life of those without adequate access to sanitation (McFarlane et al 2014); and the possibilities of cross-subsidising community toilets and pay-and-use public toilets (Sheikh 2008). An issue brief by Transparent Chennai (Padmanabhan and Satyarupa 2012) focuses specifically on the issue of toilets in public places and, similar to this paper, proposes the need for revising norms in the light of ground realities.

### Auditing Public Toilets in Hyderabad

In 2005, the Greater Hyderabad Municipal Corporation (GHMC) planned to construct 150 toilets on a build-operate-transfer (BOT) basis through PPP ventures. It was part of a “Fund Your City” project, which also included the construction of several other public amenities under PPP (Gnaneshwar nd). Two major incentives were provided to private actors in the Fund Your City project. One, during the temporary period of private operation, the private actor could charge a nominal fee – stipulated by the GHMC – from users. This was to ensure that enough revenue was generated to maintain public toilets. Two, the private operator could raise revenues from advertisements for the limited period.

As a result, 127 toilets were reportedly constructed by 17 different private agencies (Singh 2013). However, the perception that public toilets were inadequate remained, and the lack of clear information on the number of toilets in the city led to an application under the Right to Information Act (RTI) in 2013.<sup>2</sup> According to the information disclosed by the GHMC in response to the RTI application, there are 186 public toilets in Hyderabad.

The information was in the form of a list. Our first set of observations was the result of spatialising this data on a digital map. To address some of the questions that the map of public toilets raised, we undertook an audit of some of the public toilets in the city. Conducted over two weeks in June 2014, it consisted of interviews with those in charge of maintaining 55 toilets, and a survey of the toilets themselves. Through the interviews, we sought to establish a general profile of the users for each toilet; an idea of their daily traffic; the processes of maintenance; the logistics of these processes; and the relationship of those doing the work with the private agency or non-governmental organisation (NGO) that operated the toilet – regarding their contracts, wages, and the flow of revenue from toilet fees. The survey of toilets consisted of listing the facilities available, enumerating them, and checking their functionality. The limitations of our audit are one, that we had few interactions with toilet users, and, two, that the maintenance staff often hesitated to talk openly about their contractors to us. The observations presented were gleaned through a combination of the mapping exercise and the audit. We found three major problems with public toilets in Hyderabad – inequitable spatial distribution; biased infrastructure; and unregulated operation.

**Inequitable Spatial Distribution:** The mapping exercise revealed that several toilets were located very close to each other at major junctions in the city. At the busy Koti junction, there are three public toilets close to each other. At another major junction near L B Stadium, two new toilets have been constructed about 200 metres from each other. In contrast, most of the sprawling network of arterial roads and bylanes in Hyderabad had no toilets at all. We describe this as inequitable spatial distribution because public toilets serve a specific public in cities. These are groups that spend a greater part of their day on the road. This includes pavement dwellers, hawkers, cart pushers, autorickshaw drivers, privately hired drivers,

and even sanitation workers themselves. While some of these people may pass through major junctions, and can access the toilets located there, for others, like vendors at fixed and distant locations, the present pattern of locating public toilets provides no benefit.

**Biased Infrastructure:** There is a severe lack of facilities for women and the differently abled. Among the toilets we surveyed, none had facilities for the differently abled. The ratio of latrines for men and women was 2:1. Even where the infrastructure exists, the lack of privacy and specific facilities such as dustbins and clean water deter women from using them. For persons on wheelchairs, most of the toilets are inaccessible because they are built on a high plinth with steps leading up to them, and others are on pavements that are not easily navigable.

**Unregulated Operation:** The operation of toilets, as per the BOT model, was handed over for a limited period to the private companies that built them. The actual work of keeping them clean was carried out by contract workers. Some of these jobs were further subcontracted. The workers who do the actual work receive a meagre monthly wage from the contractor.

Public toilets are allowed to charge users a small fee. These fees, stipulated by the GHMC, are Re 1 for urinals and Rs 2 for latrines, but the actual fee charged often exceeds the prescribed amount and goes up to Rs 5 for urinals and Rs 10 for latrines (Singh 2013). However, in some cases, the workers allow regular users in without paying. Thus regular users were able to access the facilities at cheaper rates, while newcomers were deterred from using the service by a higher rate. The high level of informality in the operation of toilets indicated that there was no regular inspection of public toilets, their infrastructure, or their operation. The workers were extremely surprised to be asked questions by us and were suspicious that we were agents of the GHMC, which had finally woken up to the need for an inspection.

### Poor Governance of Public Toilets

In our audit, we found that toilets were located at sites where the advertisements on them could reach a large number of their target audience, not on the basis of the convenience of those wanting to use them. The uneven spatial distribution of public toilets, therefore, is first an outcome of a flawed incentive structure, and second, due to lack of land. While the incentive of advertising has led to the construction of some toilets, if that is a virtue in itself, it represents a cruel irony. The problem of toilets being located in unsuitable places is well documented in other cities as well (Padmanabhan and Satyarupa 2012). However, a second major problem is that the GHMC has not ensured that the public toilets constructed in the PPP model address the needs of different groups of people, as prescribed in well-defined norms. It has been unable to ensure that the toilets are operated effectively during the period of private operation, and also been unable to effect the transfer of rights to public hands after that (Singh 2013). Thus, the government

is ineffective in playing the two roles it is expected to – regulation and being the custodian of the public good.

### Modalities of Toilet Construction

There are three models of toilet construction undertaken in Hyderabad – toilets built and operated with government finances; toilets built and operated by NGOs such as Sulabh International, often for a lease period of 30 years; and toilets built and operated under the PPP model, where the private builder is allowed to operate a toilet for a limited period of five to 10 years and given advertisement rights for that period.

Increasingly, due to the policy preference for the PPP model, the other two models are becoming defunct.<sup>3</sup> The state government has not independently constructed any public toilets in, at least, the last 10 years, and our survey found that most of the old government-built toilets are in disrepair and locked up. Following the end of the government's 30-year contract with Sulabh International, even Sulabh facilities are now built on the BOT model.

This definitive shift towards PPP could result in a dire vacuum of regulation. The potential shortcomings of PPP have to be offset by robust planning norms and careful regulation. To critics of the PPP model, this might sound unsurprising, even tautological. However, even the most ardent proponents of PPP are raising concerns about the dissonance between PPP project implementation and good governance. The launch of the Swachh Bharat Mission could be an opportune moment to make course corrections.

### Difficulties of Governing Public-Private Partnerships

Some of the PPP-promoting institutions such as the United Nations Economic Commission for Europe (UNECE) and the Organisation for Economic Co-operation and Development (OECD) have themselves admitted that PPP projects have a tendency to neglect the wishes of beneficiaries and that there is a possibility of conflicts of interest in implementing them (UNECE 2008; OECD 2003). They also acknowledge that PPPs without good governance could have adverse outcomes. However, such critiques revolve around the issue of government corruption and do not provide a very helpful examination of practices, only further adding to the already existing best practice lists for “good governance”. Effectively, this discourse suggests that all the shortcomings of the PPP approach can be addressed with sufficient community participation. However, by its very definition, a toilet in a public place is not built for a well-defined community. Such toilets are used mostly by mobile individuals and tend to be pay-and-use services. Thus, the feeling of ownership felt towards “community toilets” and its implications for governance cannot be replicated in the case of “public toilets”. In fact,

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attempts to constitute a community of regular users of a public toilet based on the feeling of “ownership” could result in the exclusion of those seen as outsiders, which undermines the purpose of a public toilet. At best, such regulars could be involved in providing inputs while deciding where to locate toilets. What is needed for a public good like a public toilet, which does not have any a priori “local ownership” to enable effective local governance, is having legally binding norms to help determine its location, design, and governance structure.

**The Need for Legally Binding Norms**

There are a handful of existing norms and standards that architects and planners are supposed to adhere to in determining the location of public facilities. These are based on the population size served; the differential needs of different groups; the distance between public facilities of a similar type, and so on. Let us look at some of the existing guidelines for public toilets.

The Guidelines on Community Toilets (Ministry of Urban Affairs and Employment 1995) prescribe the number of toilets, urinals, and bathrooms to be built in different locations based on the number of users. For non-residential areas where a toilet block is not used at night, it prescribes one toilet for every 100 users, one bathroom for every 50 users, one urinal for

every 200 to 300 users, and a 4-5 square metre washing area per 10 toilets. In non-residential areas where the toilet block would be used round the clock, it prescribes the same, except there can be fewer bathrooms and urinals, one per 70 users and one per 300-500 users respectively.

The Manual on Sewerage and Sewage Treatment Systems, 2013 (Central Public Health and Environmental Engineering Organisation [CPHEEO] and Japan International Cooperation Agency), has come up with another set of norms for toilets in public spaces.<sup>4</sup> Regarding their location, it says, “[Public toilets should be] on roads and for open areas at every 1 km, including in parks, plazas, open air theatre, swimming area, car parks, fuel stations. Toilets shall be disabled-friendly and in 50-50 ratio (Males/Females). Provision may be made as for Public Rooms.” It provides a table for determining the number of units based on a variety of factors, and adds, “The determination of the numbers for roadside toilet users can be compounded by considering the number of people transiting that road in the day time and providing the toilets at strategic locations.”

The latest Draft Urban and Regional Development Plans Formulation and Implementation Guidelines, 2014 has borrowed the same standards from the CPHEEO manual. It also recommends that public toilets be provided in all vending

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zones/vendor's markets. Discussing "gender sensitive planning", it recommends that "public toilets should be provided within 15 minutes walking distance with special emphasis on areas with high volumes of people, i.e., railway stations, markets, bus terminals, public buildings, public open spaces, etc. Public toilets should ensure sufficient seats for women, space for child care and include toilet seats for dependents."

There is a widely seen disjunction between the normative recommendations cited and actual implementation. As these norms have no statutory backing, there is no mechanism for accountability. Further, in this context, it is useful to recall that one of the key insights obtained from the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) is that urban local bodies tend to lack the capacity to innovate and adapt to the new practices in PPP projects (High Powered Expert Committee 2011). The findings from our audit indicate that PPP-built public toilets in Hyderabad promised to be "efficient", but are poorly governed. They are also inadequately located and designed. In addition, the audit revealed that there is no strong sense of "local ownership" of public toilets.

### Remembering Dilip

Cities across the country are looking to build more public toilets. The Swacch Bharat Mission has only provided a greater

impetus to this. The Namma Toilets developed in Chennai and other cities in Tamil Nadu have attracted a great deal of attention. However, the Namma Toilet project was unable to achieve its original objectives due to "poor response from private firms", and the Chennai Corporation lowered the number of toilets to be built from 2,000 to 750, and then to 348 (Philip 2014). This indicates a dangerous dependence on the private sector for the construction of public toilets. The GHMC has also recently announced that it plans to build 1,000 public toilets.

The Swacch Bharat Mission may be seen as disingenuous in many ways, but it has stirred a great deal of excitement and optimism. This is why we must remember Dilip at this juncture and recognise that it is not only the aspiration of the orderly classes to a clean city that is at stake, but also the right to the city itself of most of its residents.

We need consultative processes to develop solutions for each city, backed by statutory planning norms on financing, land reserved for providing civic amenities, and institutional innovation to address severe structural inequalities. Without that, just as we went from *Nirmal Bharat* to Swacch Bharat, 10 years down the line, we will move on to a new slogan while the existing contentions over public space erupt in newer physical and discursive forms.

### NOTES

- 1 "The Pissing Tanker" (2014), <https://www.youtube.com/watch?v=aaEqZQXmx5M>
- 2 The RTI application was filed by Syed Shah Ali Hussain and Krishna Yashwant.
- 3 The prime minister's message on Swacch Bharat Mission calls for the PPP model. See "PM Chairs Meeting on Mission Swacch Bharat", 11 September 2014, [http://pmindia.gov.in/en/news\\_updates/pm-chairs-meeting-on-mission-swacch-bharat/](http://pmindia.gov.in/en/news_updates/pm-chairs-meeting-on-mission-swacch-bharat/)
- 4 Unlike previous government documents, which treat public toilets and community toilets in the same manner, it differentiates between these two.

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