



Clean Commitments: Csr Initiatives Driving The Elimination Of Open Defecation Through Wash

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ABSTRACT

The paper brings to the forefront the degrading conditions of work that manual scavengers are subjected to by throwing light on a documentary filmed by Ms. Divya Bharathi, which is dedicated to the discrimination meted out against this marginalized community. The paper draws a sharp contrast between the Clean India Drive and the plight of the manual scavengers and ponders upon three focal questions: Firstly, how effective is Swach Bharat Abhiyan in attaining the objective of Clean India? Secondly, what role does Corporate Social Responsibility play in eliminating the problem of open defecation? And thirdly, Can CSR solve the sanitation problem via WASH policy? and why there exists a dichotomy between the Government's claim of increased sanitation coverage and the research reports conducted by international institutions and social organizations? For the purpose of this paper, the researcher will be focusing on the corporate social responsibility of the public and private sector enterprises under Swach Bharat mission, and will be examining the effectiveness of the steps taken by these corporations to address the issue of open defecation

Keywords: Manual Scavenging, Swach Bharat Abhiyan, CSR, WASH policy.

Manual scavenging is an ignominious occupation prevailing in India till date. Despite the constitutional provisions⁶ and judicial pronouncements⁷ upholding right to life and dignity, manual scavengers are deprived, exploited, and forced by economic necessity⁸ and social compulsions to enter this occupation⁹. Though the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 has been passed by the Parliament, it mostly regulates the practice, instead of eradicating the same. The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020 is also a paper tiger, adding on to the list of persistently failing laws on the issue¹⁰. Though it emphasizes on the eradication of manual scavenging through mechanization of sewer cleaning, and provides stringent measures for protection of manual scavengers in terms of safety gears and a hefty compensation in case of sewer deaths, the ground reality remains unchanged. Further, the bill fails to address the caste issue which is the root problem of marginalization of manual scavengers.

Kakkoos: Social Media's Role in Exposing the Plight of Manual Scavengers

'Kakkoos'¹³ is a documentary filmed by Ms. Divya Bharathi, which is dedicated to the discrimination meted out against this marginalized community. The documentary is centred in the State of Tamil Nadu and drags our attention to the lives of manual scavengers, who are denied dignity and respect because of the denigrating work assigned to them by the society. The documentary highlights how the caste system, based on insidious principles of sanctity

⁶ Constitution of India. (n.d.). Articles 14, 15, 16, 17, 21, 39, 42, 43.

⁷ Dr. Balram Singh v. Union of India and Ors., Writ Petition Civil Nos. 324 of 2020.

⁸ Constitution of India. (n.d.). Article 39(e). The State shall direct its policy towards securing that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

⁹ Gupta, A. (2022). Taking Dignity Seriously to Protect Manual Scavengers in India: Lessons from the UN

Human Rights Committee. Human Rights Law Review, 22(3), ngac019, <https://doi.org/10.1093/hrlr/ngac019>

¹⁰ When it comes to Manual Scavenging, Enacted Laws have continuously failed. (2023, November 6). The Wire. Retrieved from When it Comes to Manual Scavenging, Enacted Laws Have Persistently Failed (thewire.in).

¹¹ Failing the Sanitation Workers Again. (2023, November 28). The Indian Express. Retrieved from <https://indianexpress.com/article/opinion/failing-the-sanitation-worker-again-manual-scavengers-bill-6605096/> ¹²Thekaekara, M.M. (2023, November 28). Why the Proposed Manual Scavenging Prohibition Bill looks good only on paper. The Wire. Retrieved from <https://thewire.in/caste/manual-scavenging-prohibition-bill-2020-caste-rehabilitation>.

¹³Parandhidu. (2018, March 10). *Kakkoos- A Documentary Film* [Video]. Youtube. <https://www.youtube.com/watch?v=IKfJQzDk4k4>

¹⁴ Wankhede, A., & Kahle, A. (2023). The Human Dignity Argument against Manual Scavenging in India. *CASTE: A Global Journal on Social Exclusion*, 4(1), 109–129. <https://www.jstor.org/stable/48728108>

¹⁵ Lee, J. (2017). Odor and Order: How Caste Is Inscribed in Space and Sensoria. *Comparative Studies of South Asia, Africa and the Middle East* 37(3), 470-490. <https://www.muse.jhu.edu/article/683279>.

and purity, symbolizing feudal atrocity, has paved way for the worst form of untouchability¹⁶. The author engages in both doctrinal and non-doctrinal modes of study; to verify the Government data and statistics on manual scavengers, to demonstrate how the internal contradictions and lack of proper implementation of the law adds to their oppression, and to take the audience closer to the lives and experiences of manual scavengers, with an aim of generating awareness. Throughout the documentary, the author has collected data and information by interviewing manual scavengers, as well as, people in positions of power.

The author engages in a critical assessment of the conditions of manual scavengers and digs deeper to uncover the various legal, social, economic and political factors that subjugate them. She analyses the change in the definition of manual scavengers, from the 1993 Act¹⁷ to the 2013 Act¹⁸, and unravels some kind of latent legislative conspiracy to invisibilize them. She also criticizes the inductive method adopted by the Government while claiming abolition of manual scavenging and throws light upon the fallacy of such claims. Through her study, she makes it clear that manual scavenging is not just a social problem, but it has legal, economic and political conundrums as well. She questions the unstated assumptions of caste practices and elaborately explains how manual scavengers suffer because of social labelling¹⁹. By challenging the oppression against manual scavengers and advocating for their emancipation, she adopts the dynamic view of the world and accepts that confining it to the social glass jar will defeat evolution and innovation. She also attempts to demonstrate how our perceptions are greatly conditioned by our experiences. She has adopted a bottom-up approach, where she looks at the world through the eyes of the manual scavengers.

Through the documentary, the author has also attempted to raise the collective conscience of the audience and has demonstrated how ignorance, and lack of awareness adds to the violence against the manual scavengers. The author has elaborately portrayed how non-recognition of

¹⁶ Akhtar, Z. (2020-2021). Scheduled Castes, Dalits and Criminalisation by 'Descent'. *State Crime Journal*, 9, 71.

¹⁷ The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, § 2 (j), 1993.

¹⁸ Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, § 2 (g), 2013.

¹⁹ Shankar, S., & Swaroop, K. (2021). Manual Scavenging in India: The Banality of an Everyday Crime. *CASTE: A Global Journal on Social Exclusion*, 2(1), 67–76. <https://www.jstor.org/stable/48643385>. See also, Ali, A.A. (2019). Manual Scavenging: Intersection of Caste and Labor. *International Journal of Law*, 5(5), 2294. <https://ssrn.com/abstract=3667457>

certain castes engaged in this ignominious occupation, not just creates confusion as to their identity, but also denies them the right to rehabilitation, reservation, compensation etc²⁰.

The author then narrates how, in spite of huge flex banners stating that 'no one should enter the underground sewage lines', the manual scavengers are forced to climb down into septic tanks by their supervisors and clean human excreta and ditch deposits without proper tools and safety gears²¹. Through the interviews conducted and visuals demonstrated, the author has extensively dealt with the problem of open defecation and how even after construction of toilets under the Swachh Bharat Scheme, there is absolutely no respite to the manual scavengers. In this context, the author has drawn a sharp contrast between the mission of clean India (Swachh Bharat) and the precarious condition of manual scavengers²².

Through the documentary, the author endeavours to demonstrate as to how the various welfare legislations and schemes, and the court verdicts and orders, fail in their implementation at the grass-root levels²³. She engages in the insider-outsider views of the caste system, whereby the insiders are engrossed in their orthodox perceptions and the privileges emanating from it, and label everything else as wrong, distorted or biased. This mechanism keeps the manual scavengers out of the system and hence, adds to their misery.

Charting the Course: A Formal Exploration into Research Direction

There exists a sharp contrast between the Clean India Drive and the plight of the manual scavengers²⁴. The toilets constructed by corporate entities under the Swachh Bharat Mission²⁵ are not just failing to realize the objective of the Clean India Drive but are forcing the manual scavengers to clean human excreta using bare hands²⁶. This raises pertinent questions on the

²⁰ Kumar, K., & R, D. (2021). Indian Inclusion Efforts Relevance to Scavenger Community: A Cross-sectional Study in Haryana. *Contemporary Voice of Dalit*. <https://doi.org/10.1177/2455328X211000486>

²¹ The Wire. (2024, May 8). 339 lives lost to Manual Scavenging in the last 5 years, Government Data reveals. Retrieved from The Wire: The Wire News India, Latest News, News from India, Politics, External Affairs, Science, Economics, Gender and Culture.

²² Gupta, R. (2021). The Dark Side of Sanitation in India: Manual Scavenging. *Issue 3 Int'l JL Mgmt. & Human.*, 4, 2294.

²³ Gupta, A. (2016). Manual Scavenging—A Case of Denied Rights. *SSRN Electronic Journal*, 36-58.

²⁴ Pradhan, S., Mittal, A. Ethical, health, and technical concerns surrounding manual scavenging in urban India. *J Public Health (Berl.)* 28, 271–276 (2020). <https://doi.org/10.1007/s10389-019-01039-7>.

²⁵ Lawania, B.D., & Kapoor, S. (2018). Leveraging Corporate Social Responsibility for the Advancement of Development Goals in India: Sanitation and Cleanliness Movement in India, *Australasian Accounting, Business and Finance Journal*, 12(2), 46-70. doi:10.14453/aabfj.v12i2.4

²⁶ Wilson, B., & Singh, B. (2016). The long march to eliminate manual scavenging. *India exclusion report*, 298- 319.

effectiveness of Swachh Bharat Abhiyaan in achieving its objective of a clean India, at the cost of human rights violation of manual scavengers.

As the Government of India had called upon both public²⁷ and private sector enterprises to contribute in the Clean India Mission, many corporate bodies demonstrated extreme enthusiasm in participating in the cause through its Corporate Social Responsibility (CSR) initiatives to address the problem of open defecation²⁸. In this context, it's important to analyse the role of CSR in solving the problem of open defecation in India through statistical analysis.

Schedule VII of the Companies Act, 2013, specifies a range of activities that companies can take up as their CSR initiatives. Therefore, some companies contribute significantly for development of sanitation projects in order to address the issue of open defecation. But the question that remains unanswered is whether CSR can solve the sanitation problem via WASH policy? and why there exists a dichotomy between the Government's claim of increased sanitation coverage and the research reports conducted by social organizations?

For the purpose of this paper, the researcher will be focusing on the corporate social responsibility of the public and private sector enterprises under Swach Bharat mission, and will be examining the effectiveness of the steps taken by these corporations to address the issue of open defecation. The research primarily functions under the hypothesis that even though companies through their CSR drives construct toilets to solve the issue of open defecation, the maintenance of these sloppy structures falls on the shoulders of manual scavengers.

CORPORATE SOCIAL RESPONSIBILITY:

Exploring the Mandate: Rationale Behind Endowing Corporate Entities with Social Responsibility

The concept of 'corporate social responsibility' was introduced by the United Nations Organization (UNO) in 2000²⁹. The idea behind it was to encourage a principle-based approach to doing business³⁰. Corporate bodies are mostly engrossed in their holy books of profit and

²⁷ Singh.,V. (2020). Manual Scavenging: The Role of Government and Civil Society against discriminative practice. *Social Work and Society International Online Journal*,18(2).

²⁸ Singh.,V. (2020). Manual Scavenging: The Role of Government and Civil Society against discriminative practice. *Social Work and Society International Online Journal*,18(2).

²⁹Gjølberg, M. (2009). The origin of corporate social responsibility: Global forces or national legacies? *Socio- Economic Review*, 7(4), 605-637. <https://doi.org/10.1093/ser/mwp017>. See also Chaffee, E. C. (2017). The origins of corporate social responsibility. *University of Cincinnati Law Review*, 85(2), 353-380.

³⁰Gjølberg, M. (2009). The origin of corporate social responsibility: Global forces or national legacies? *Socio- Economic Review*, 7(4), 605-637. <https://doi.org/10.1093/ser/mwp017>.

loss, and can remain completely unconnected with the stark realities of unprivileged lives.³¹ As these bodies derive profits from the society, it was deemed necessary to ascribe social responsibility to them as well. Hence, to hold the concept of 'corporate social responsibility' together, the UNO launched the UN Global Compact, which is a strategic policy initiative for businesses that are committed to aligning their operations

and strategies with ten universally accepted principles³² in the areas of human rights, labour, environment and anti-corruption. Through the UN Global Compact, businesses help ensure that markets, commerce, technology and finance advance in ways that benefit economies and societies everywhere.³³ Following the course, in August 2013, the Indian Parliament passed the Indian Companies Act, 2013, which made corporate social responsibility a mandatory provision³⁴.

Unveiling the meaning behind CSR:

There is no generally agreed upon definition of the concept of 'corporate social responsibility', as its content will depend on a variety of factors³⁵. Nevertheless, industrialized nations have outlined their own vision of what constitutes good corporate behaviour in the OECD Guidelines for Multinational Enterprises³⁶. Similarly, the United Nations Industrial Development Organization (UNIDO) defines 'corporate social responsibility' as a managerial concept, whereby companies integrate social and environmental concerns in their business operations and interactions with shareholders³⁷. It is a 'triple-bottom-line' approach through which a company achieves a balance of economic, environmental and social imperatives³⁸.

³¹ Saraiya, R. Manual Scavenging and Corporate Social Responsibility, *Journal for Higher Education*, 8(3).

³² United Nations Global Compact. (n.d.). The Ten Principles of UN Global Compact. Retrieved from <https://www.unglobalcompact.org/what-is-gc/mission/principles>.

³³ Kadyan, J. S. (2016). United Nations Global Compact and Corporate Social Responsibility, *International Journal of Science and Research*, 5(10).

³⁴ Companies Act, § 135, 2013.

³⁵ Wan-Jan, W.S. (2006). Defining corporate social responsibility[†]. *J. Publ. Aff.*, 6: 176-184. <https://doi.org/10.1002/pa.227>

³⁶ OECD Guidelines for Multinational Enterprises (2011). Retrieved from <https://www.oecd.org/daf/inv/mne/48004323.pdf>.

³⁷ UNIDO. (n.d.). Corporate Social Responsibility for Market Integration. Retrieved from Corporate social responsibility for market integration | UNIDO.

³⁸ What is CSR? Retrieved from <https://www.unido.org/our-focus/advancing-economic-competitiveness/competitive-trade-capacities-and-corporate-responsibility/corporate-social-responsibility-market-integration/what-csr>.

Under the Indian regime, the Companies Act, 2013 does not per se define 'corporate social responsibility', but it lists out the activities which may be incorporated by companies in their corporate social responsibility policies.³⁹

Under the Guidelines on Corporate Social Responsibility and Sustainability for Central Public Sector Enterprises, the Central Public Sector Enterprises have been granted the freedom to select their CSR and Sustainability projects from a vast range of available options⁴⁰. This grants flexibility to the corporate bodies.

Why clarifying the definition of CSR matters?

The need for a working definition of 'corporate social responsibility' emanated from the misunderstandings and cynicism circling the concept in the past⁴¹. Before the illustrative list of CSR activities laid down in the Companies Act, 2013, practitioners seemed to label any social welfare activities as CSR. The presence of a definition, however, takes away the ambiguity around the subject and directs our focus to areas that could transform with the help of corporate sector.

ENHANCING 'WASH' THROUGH CORPORATE SOCIAL RESPONSIBILITY

Wash Policy:

WASH (Water, Sanitation and Hygiene) policy is an initiative of United Nations International Children's Emergency Fund (UNICEF)⁴², which supports the national and state governments in developing and implementing a range of replicable intervention models for sanitation, hygiene and water supply⁴³. India, being the second most populous country in the world, is experiencing huge stress on its water resources and sanitation services, and is confronted with the problem of open defecation⁴⁴. To address these issues, the Government of India, launched

³⁹ Companies Act, Schedule VII, 2013.

⁴⁰ Ministry of Drinking Water and Sanitation. (n.d.). Guidelines on Corporate Social Responsibility and Sustainability for Central Public Sector Enterprises. Retrieved from <https://www.nmdc.co.in/CSR/5.pdf>.

⁴¹ Wan-Jan, W.S. (2006). Defining corporate social responsibility[†]. *J. Publ. Aff.*, 6: 176-184. <https://doi.org/10.1002/pa.227>

⁴² UNICEF India. (n.d.). Water, Sanitation and Hygiene, Retrieved from Water, sanitation and hygiene | UNICEF India.

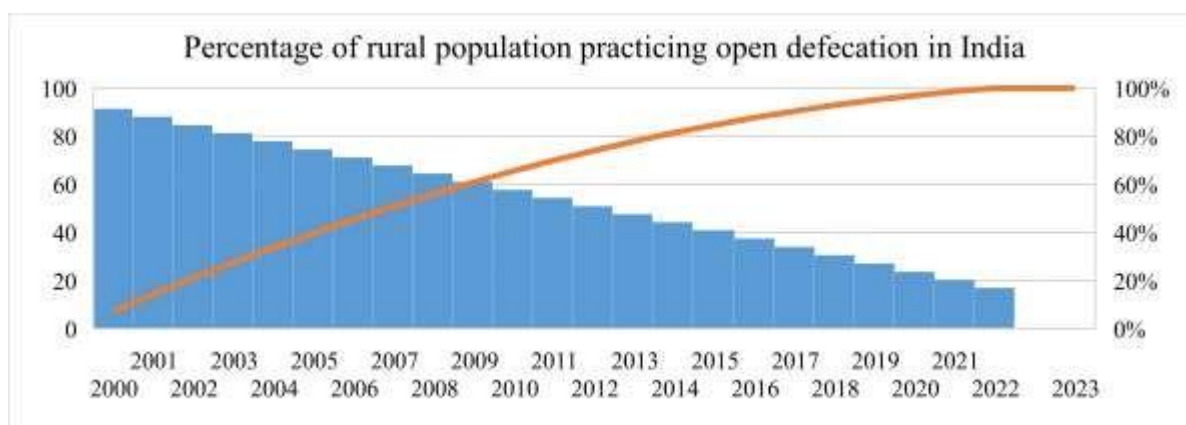
⁴³ WASH, Retrieved from <https://unicef.in/Sections/6/WASH>.

⁴⁴ World Bank. (n.d.). How is India addressing its water needs? Retrieved from How is India addressing its water needs? (worldbank.org). Express view on India being the most populous country in the world: Opportunities and Challenges abound. Retrieved from Express View on India being the most populous country in the world: Opportunities and challenges abound | The Indian Express

the Swachh Bharat (Clean India) Mission⁴⁵. This scheme sought to bring both public and private sector enterprises under the umbrella of sustainability and expected active participation in the Clean India drive⁴⁶. Companies responded to this clarion call, with enthusiasm, many leveraging Section 135 of the Companies Act, 2013, which introduced mandatory Corporate Social Responsibility (CSR), to contribute to this campaign⁴⁷. However, it was felt that without grassroots social innovation, the Clean India Mission may become ineffectual⁴⁸. Therefore, the Indian Government has entered into partnership with the United States Agency for International Development (USAID), whereby the later would support the Swachh Bharat mission and create awareness of WASH issues.

Why CSR Initiatives Must Prioritize Sanitation

The problem of open defecation in India is real. As per the survey of World Bank held in 2015, 40% of India's population was still practising open defecation.⁴⁹ According to the recent data collected by World Bank, though the percentage of population defecating in the open has reduced over a period of time, the unsanitary act continues to persist in both rural and urban areas⁵⁰.



⁴⁵ Guidelines for Swachh Bharat Mission-Urban. Retrieved from SBM_Guideline.pdf (swachhbharaturban.gov.in).

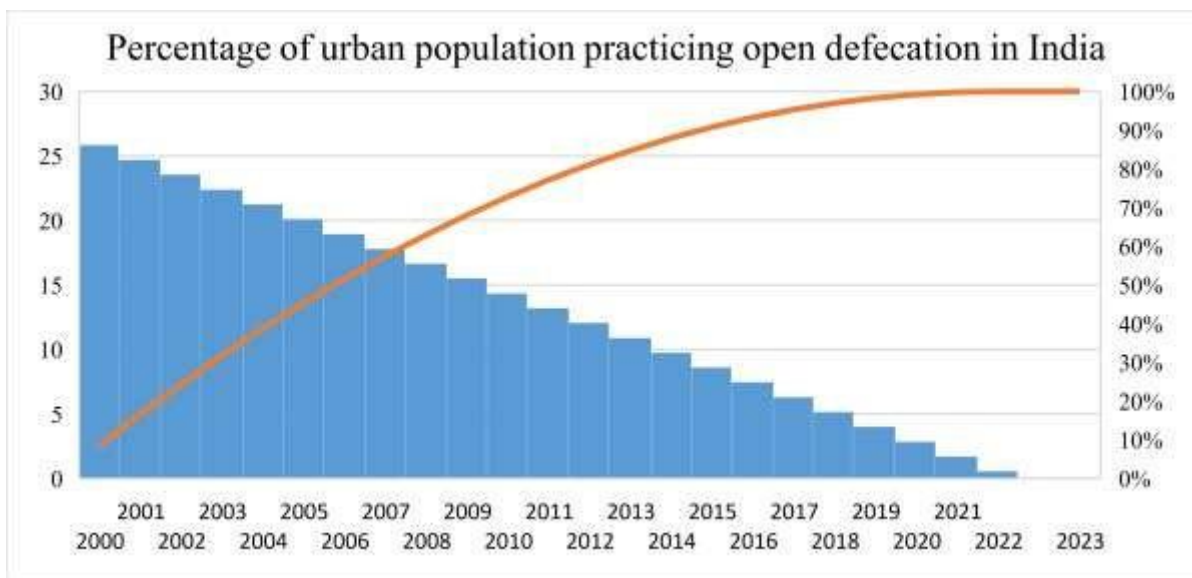
⁴⁶ Guidelines for Swachh Bharat Mission-Urban. Retrieved from SBM_Guideline.pdf (swachhbharaturban.gov.in).

⁴⁷ The making of 'Swachh' India: Lessons from the Swachh Bharat Mission-driving behavior change at scale. Retrieved from swachh-bharat-clean-india-mission.pdf (kpmg.com).

⁴⁸ Ministry of Drinking Water and Sanitation. (2015, October). Report of the Sub-Group of Chief Ministers on Swachh Bharat Abhiyaan. Retrieved from Report-of-Sub-Group-of-Chief-Ministers-on-Swachh-Bharat-Anhiyaan.pdf (niti.gov.in).

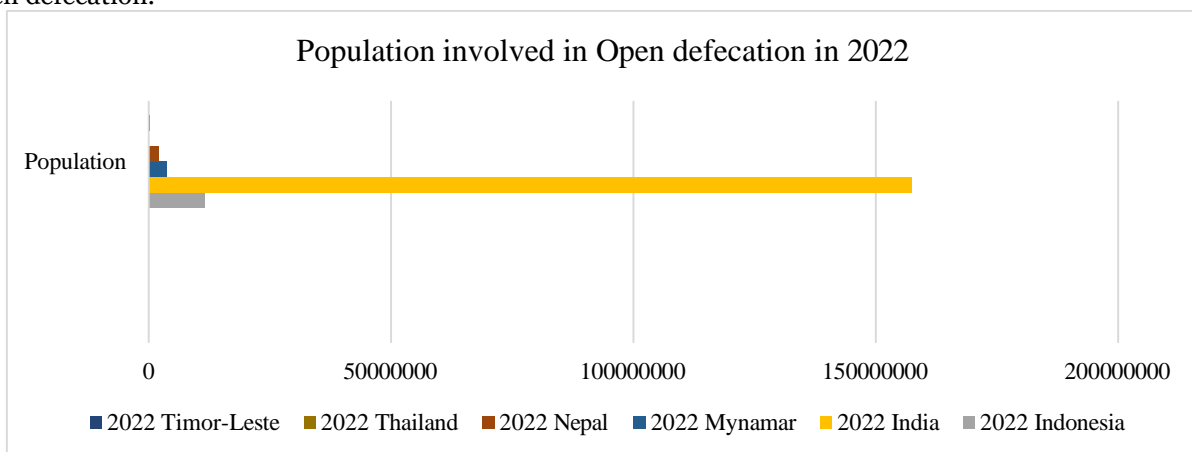
⁴⁹World Bank. (n.d.). People practicing Open Defecation (% of population). Retrieved from <https://data.worldbank.org/indicator/SH.STA.ODFC.ZS>.

⁵⁰ People practicing open defecation (% of population). Retrieved from People practicing open defecation (% of population) - India | Data (worldbank.org). See also, World Toilet Day: 420 million people are defecating outdoors (worldbank.org).



(Data Source: People practicing open defecation (% of population) - India | Data (worldbank.org)) Accessed on 10th May, 2024

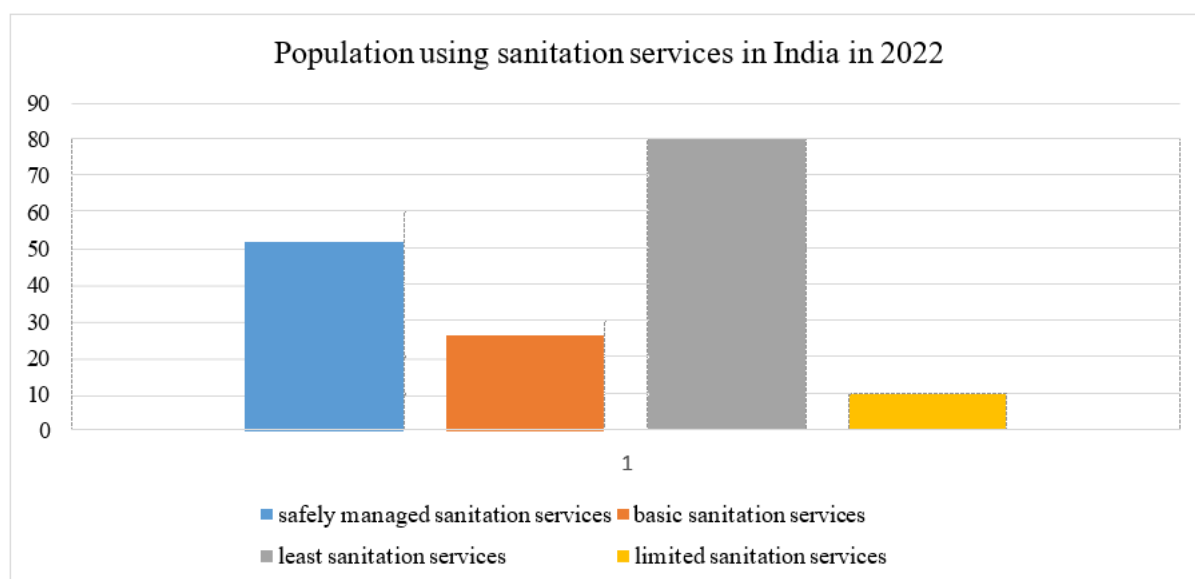
The WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply, Sanitation and Hygiene (WASH) has maintained a database of regional and global estimates of progress on drinking water, sanitation and hygiene since 1990⁵¹. As per the 2022 report, amongst all South-Asian countries, India has the highest number of people practising open defecation in the region. If converted into percentage, 11.1041% seems like a small number. But it actually represents 157367965 people still continuing the unhygienic act of open defecation.



(Data Source: JMP (washdata.org)) Accessed on 15th May, 2024

⁵¹ WHO, UNICEF, JMP. (n.d.). How we work. Retrieved from How we work | JMP (washdata.org).

UNICEF has also conducted surveys and maintained data on the use of sanitation services in India. According to reports published by UNICEF, the population of India can be segregated into four categories depending on the use of sanitation services: 1) safely managed sanitation services, 2) basic sanitation services, 3) least sanitation services, and 4) limited sanitation services⁵². Unfortunately, the proportion of population with least access to sanitation services is 78.389. In the absence of toilets and public restrooms, and access to these sanitation facilities, the menace of open defecation will inadvertently continue to exist, thereby adding to the plight of the manual scavengers.



(Data source: India (IND) - Demographics, Health & Infant Mortality - UNICEF DATA) Accessed on 15th May, 2024

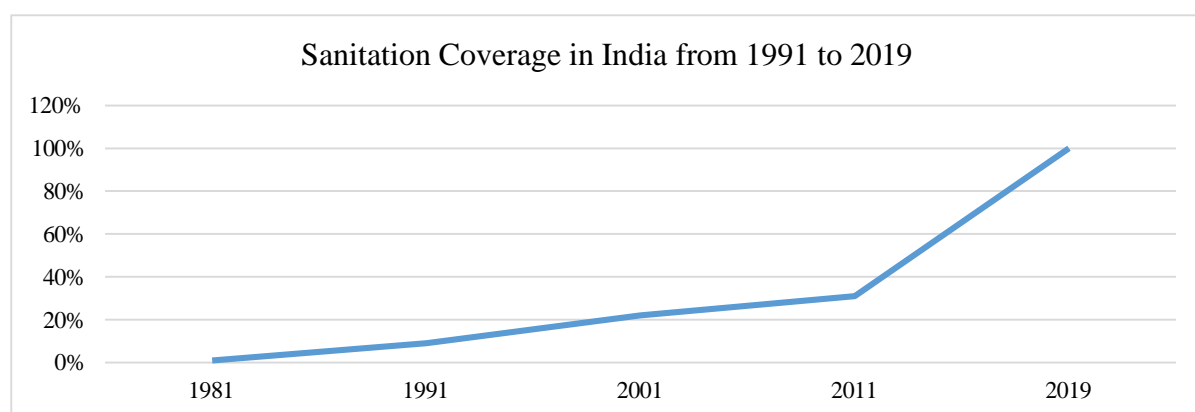
As per Swachh Survekshan Grameen, 2018 conducted by the Ministry of Drinking Water and Sanitation, there was 4% increase in sanitation coverage; 34,718 villages were declared open defecation free (ODF) and 89 districts had completely eliminated dysfunctional toilets.⁵³ The recent Swachh Survekshan Grameen, 2022⁵⁴ released by Ministry of Drinking Water and Sanitation and another report released by Press Information Bureau (Research Unit)⁵⁵, Ministry of Information and Broadcasting, GOI, claimed that India achieved almost 100 percent sanitation coverage in 2019.

⁵² UNICEF Data. (n.d.). India (IND) - Demographics, Health & Infant Mortality. Retrieved from UNICEF DATA.

⁵³ Ministry of Drinking Water and Sanitation. (2018). Swachh Survekshan Grameen 2018. Retrieved from <https://jalshakti-ddws.gov.in/sites/default/files/SSG-2018-Report.pdf> accessed on 29-01-2024.

⁵⁴ Ministry of Drinking Water and Sanitation. (2022). Swachh Survekshan Grameen 2022. Retrieved from [SSG- 2022-Report.pdf \(jalshakti-ddws.gov.in\)](https://jalshakti-ddws.gov.in/sites/default/files/SSG-2022-Report.pdf).

⁵⁵ Press Information Bureau. (2019). Expansion of Rural Sanitation Coverage, India's Rural Sanitation Coverage increased from 1% in 1981 to 100% in 2019, Retrieved from [doc202273176201.pdf \(pib.gov.in\)](https://pib.gov.in/doc202273176201.pdf).



(Data Source: [doc202273176201.pdf \(pib.gov.in\)](https://pib.gov.in/doc202273176201.pdf)) Accessed on 15th May, 2024

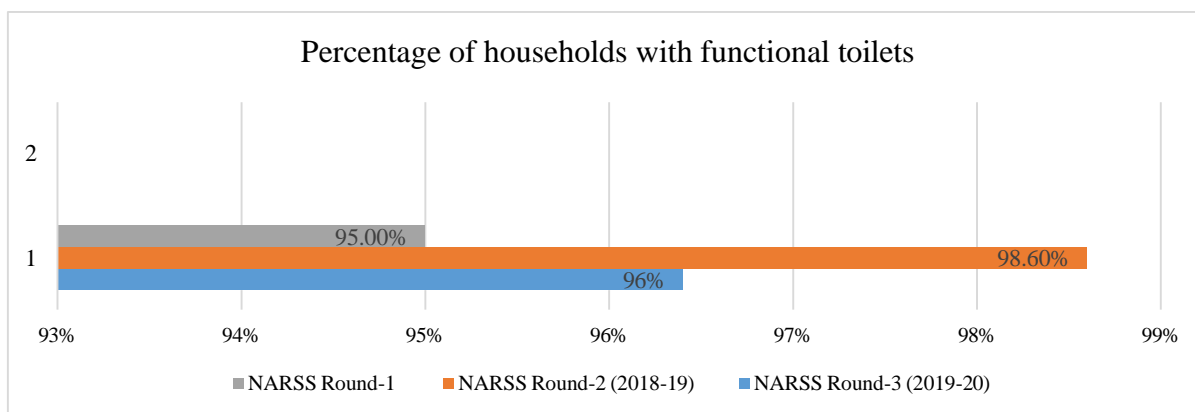
The National Annual Rural Sanitation Survey (NARSS 2019-2020) released by the Ministry of Drinking Water and Sanitation throws light on the functionality of household toilets in India, availability of water for toilet usage, safe disposal of human excreta and hygienic conditions of the toilets.

Functionality of household toilets:

The functionality status of the household toilets was determined by observing four components:

1) pan/seat is not completely broken, 2) pan is not completely choked, 3) pits/tanks are completely covered, 4) pipes are not completely broken or open. If any of the above parameters was found compromised, the toilet was considered non-functional⁵⁶. As per the data collected, in NARSS Round 1, the households

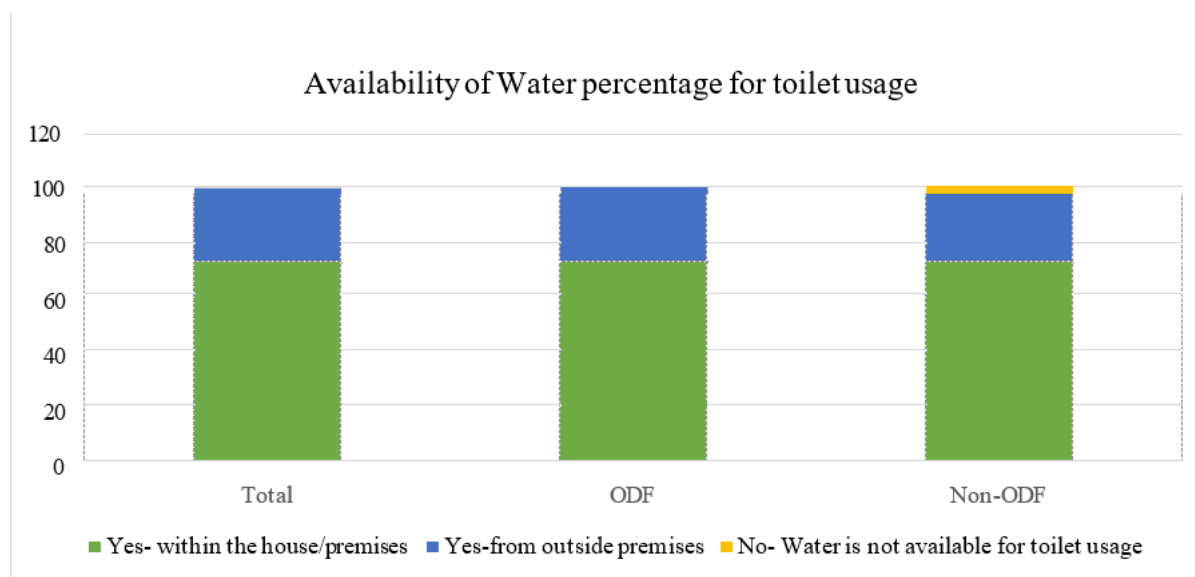
with functional toilet constituted 95 percent, and the percentage of households with functional toilets decreased from 98.6% in NARSS Round-2 (2018-19) to 96.4% in NARSS Round-3 (2019-2020).
2)



⁵⁶ National Annual Rural Sanitation Survey (NARSS) Round 3- (2019-2020). National Report submitted to Department of Drinking Water and Sanitation (DDWS), Government of India. Retrieved from NARSS-2019-20- Report.pdf (jalshakti-ddws.gov.in).

The decrease in percentage of functional toilets is an indicator of open defecation and manual scavenging.
Availability of water for toilet usage:

Access to water in the toilets not just ensures hygiene and maintenance, but also presents the hope of elimination of manual scavenging. As per the data recorded by the Ministry of Drinking Water and Sanitation, in 2019-2020, 73.1 percent households had water available within the premises of the house which were the main source across the Open Defecation Free (ODF) and Non-ODF households. In ODF villages, 73.5 percent households had water available within the house premises, while in Non-ODF villages, 70.4 percent households reported the same.



(Data Source: NARSS-2019-20-Report.pdf (jalshakti-ddws.gov.in)) Accessed on 16th May, 2024.

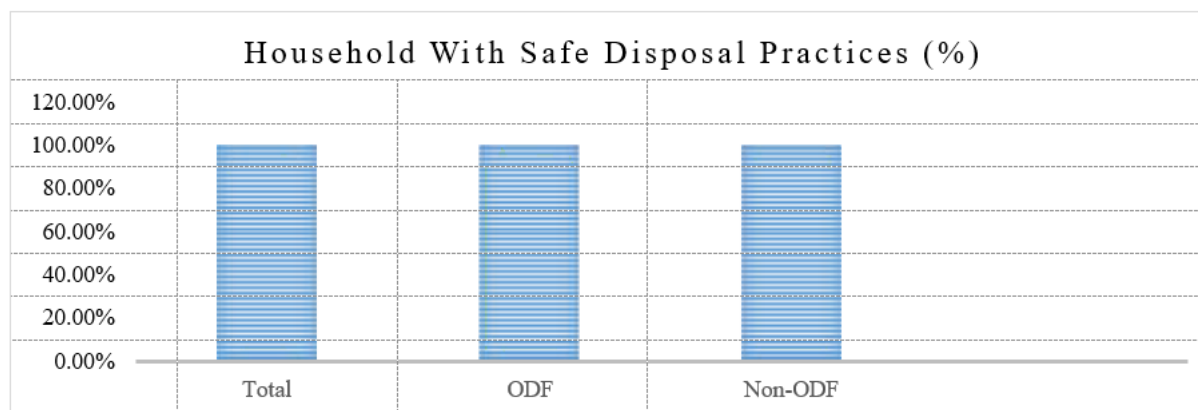
Safe Disposal of Human Excreta:

The parameters put in place for determining safe disposal included the options of septic tanks with no overflow/discharge to surface/open drain, soak pit, single leach pit, double leach pit, a closed drain with sewer system and closed pit. In the presence of any one of these disposal options, the toilet was considered to have a safe disposal mechanism⁵⁷. As per the report, almost

⁵⁷ National Annual Rural Sanitation Survey (NARSS) Round 3- (2019-2020). National Report submitted to Department of Drinking Water and Sanitation (DDWS), Government of India. Retrieved from NARSS-2019-

20- Report.pdf (jalshakti-ddws.gov.in).

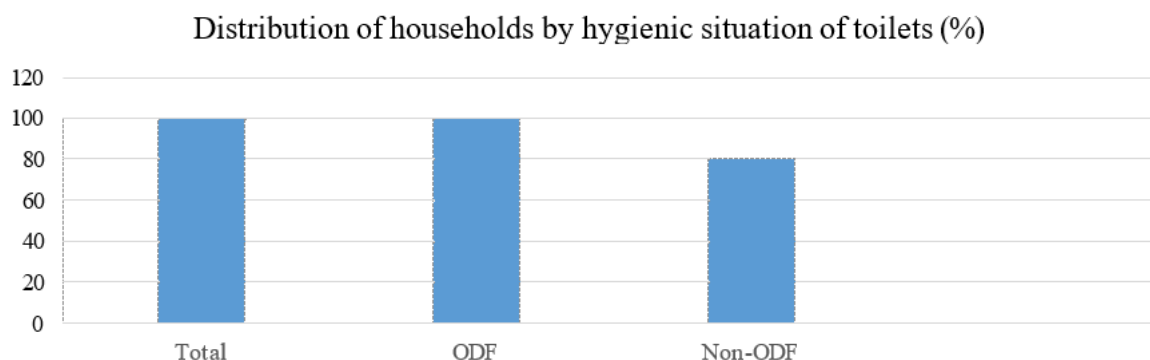
all household toilets (99.9%) practiced safe disposal of human excreta. The percentage in ODF villages were reported to be 99.9 percent, while in non-ODF households, it was 99.8 percent⁵⁸.



(Data Source: NARSS-2019-20-Report.pdf (jalshakti-ddws.gov.in)) Accessed on 16th May, 2024.

Hygienic situation of toilets:

The parameters set for deciding the hygiene conditions of toilets included: 1) toilet is connected to a tank/pit or to a sewer system, 2) availability of fly proof seal in the toilet, and 3) presence of no visible human excreta in the squatting area⁵⁹. Based on the above criteria, households with hygienic toilets represented 96.3 percent, with 98.7 percent in ODF villages and 82 percent in non-ODF villages⁶⁰.



(Data Source: NARSS-2019-20-Report.pdf (jalshakti-ddws.gov.in)) Accessed on 16th May, 2024.

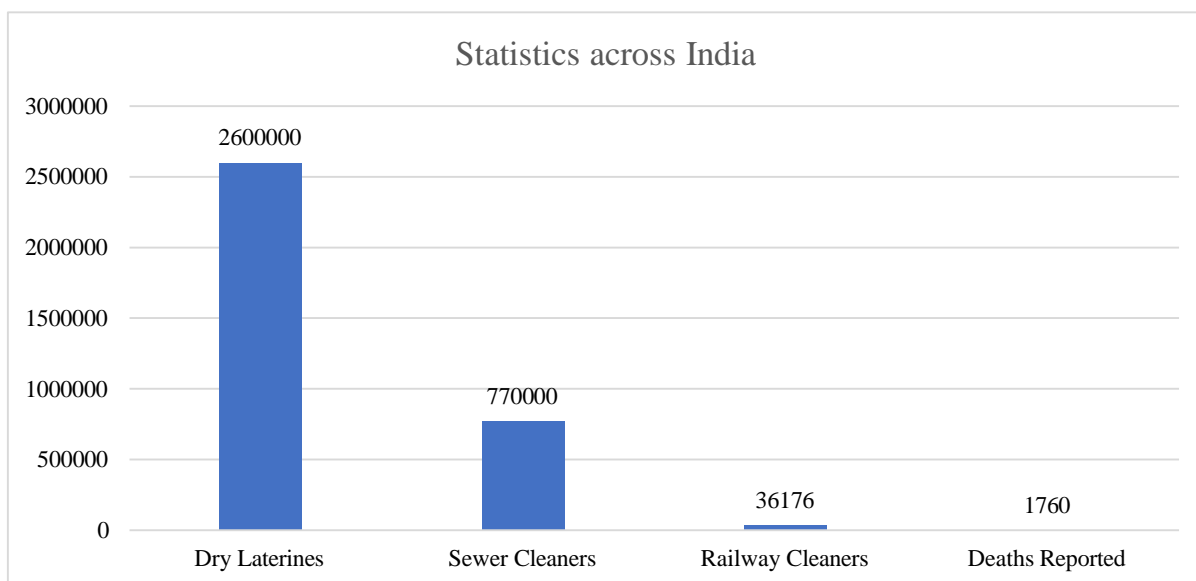
⁵⁸ National Annual Rural Sanitation Survey (NARSS) Round 3- (2019-2020). National Report submitted to Department of Drinking Water and Sanitation (DDWS), Government of India. Retrieved from NARSS-2019-20- Report.pdf (jalshakti-ddws.gov.in).

⁵⁹ National Annual Rural Sanitation Survey (NARSS) Round 3- (2019-2020). National Report submitted to Department of Drinking Water and Sanitation (DDWS), Government of India. Retrieved from NARSS-2019-20- Report.pdf (jalshakti-ddws.gov.in).

⁶⁰ National Annual Rural Sanitation Survey (NARSS) Round 3- (2019-2020). National Report submitted to Department of Drinking Water and Sanitation (DDWS), Government of India. Retrieved from NARSS-2019-20- Report.pdf (jalshakti-ddws.gov.in).

Analysis:

The above longitudinal study conducted by the Ministry of Drinking Water and Sanitation, Government of India claims almost absolute reliance on safe sanitation measures, thereby hinting at the government's success in eliminating manual scavenging. Operational toilets, with access to water, hygienic conditions and safe disposal of human excreta are unequivocally significant elements to ensure elimination of manual scavenging. While the proud claims of the Government are indeed the desired goal, the mismatch with the data maintained by World Bank, WHO, UNICEF and other non-governmental organizations, narrates another compelling story.



(Data Source: Crisis | Safai Karmachari Andolan) Accessed on 17th May, 2024.

As per the data collected and maintained by Safai Karmachari Andolan, a social service organization dedicated to demanding, protecting and preserving the basic human rights of manual scavengers, the practice of open defecation continues to prevail in our democratic land. The existence of dry latrines, and employment of marginalized communities by contractors to clean sewers, railway lines, etc. ensures continuance of the abhorrent practice of manual scavenging⁶¹. The variance in the data collected by different organizations might arise due to preferential selection of samples, focus on separate geographical areas or reporting on only registered/ recognized cleaning employees. Unfortunately, a large number of manual scavengers are employed by contractors, without their data being recorded or submitted to the government. They tend to fall through the cracks of procedural technicalities, are deprived of

⁶¹ Safai Karamchari Andolan. (n.d.). Crisis. Retrieved from Crisis | Safai Karmachari Andolan.

safety gears, and forced to risk their lives to clean sewer tanks out of economic necessity and social ostracism. Since they aren't registered employees, their deaths are often not counted amongst those of recognized manual scavengers.

The general presumption is that construction of toilets will help resolve the problem of open defecation. However, this presumption is far from reality. According to a working paper published by 'Research Institute for Compassionate Economics' and 'Accountability Initiative', even though more Indians in villages owned toilets in 2018 than four years ago, yet 44 percent of them still defecated in the open⁶². This study was primarily based in four Indian states (Rajasthan, Bihar, Madhya Pradesh and Uttar Pradesh) which together has two-fifths of India's rural population. This study drags our attention to the importance of generating awareness amongst people and maintenance of the constructed toilets.

Moreover, problems of open defecation and continuation of dry latrines encourage the employment of manual scavengers who are forced to clean human excreta under the garb of Swachh Bharat Mission. They are often deprived of the protection accorded to them under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, either due to lack of awareness or unrecognized involvement. In this regard, under the CSR policy, companies can immensely contribute in not just sensitizing people and maintaining the constructed toilets, but also in providing vocational training and other employment opportunities to the manual scavengers. Public-private partnership might efficiently solve the sanitation problem grappling our nation.

Can CSR help solve the sanitation question?

The concept of 'corporate social responsibility' has been a motivating force to question the fundamental assumptions that form the basis of business practice. It is a method of mitigating the adverse consequences of economic development and aiding in sustainable progress. It offers a bridge between the profit motives of market economics and the social and ecological effects, including human rights, that have been neglected in the market economy.⁶³ The commitment to corporate citizenship and social accountability founded on strong business ethics and sound business decision-making processes, has the potential to provide the necessary

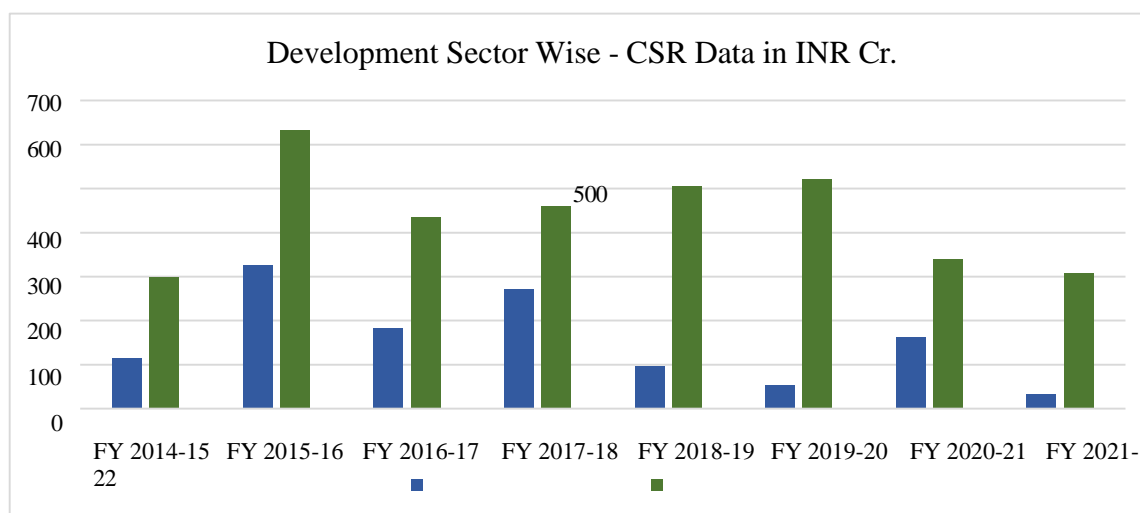
⁶² Changes in Open Defecation in rural north India: 2014-2018. Retrieved from <https://riceinstitute.org/wp-content/uploads/2019/01/Changes-in-open-defecation-in-rural-north-India-2014-%E2%80%93-2018.pdf>. ⁶³Abey Suriya, K., et.al. (n.d.). Can Corporate Social Responsibility resolve the sanitation question in developing Asian Countries? Retrieved from https://www.academia.edu/11283217/Can_corporate_social_responsibility_resolve_the_sanitation_question_in_developing_Asian_countries.

'push' and 'pull' factors for the successful participation of businesses in meeting the human right to sanitation.⁶⁴

The Clean India drive recognizes seven key objectives to improve sanitation facilities⁶⁵:

1. Open defecation elimination
2. Manual scavenging eradication
3. Scientific solid waste management
4. To bring behavioural changes related to healthy sanitation
5. Awareness about sanitation and public health dissemination
6. Capacity building of urban local bodies
7. Promotion of private participation in CAPEX and OPEX model.

In pursuance of these objectives, the Indian Government has directed the pool of CSR funds to a foray of development. As per the CSR data, the companies have contributed 33.47 Crore in the financial year of 2021-22 to the Swachh Bharat Kosh (Sanitation Fund) and 307.23 Crore separately towards sanitation⁶⁶. Since the financial year 2015-16, the contribution of companies towards sanitation and Swachh Bharat Kosh has alarmingly dwindled.



(Data Source: Development Sector Wise (csr.gov.in)) Accessed on 17th May, 2024

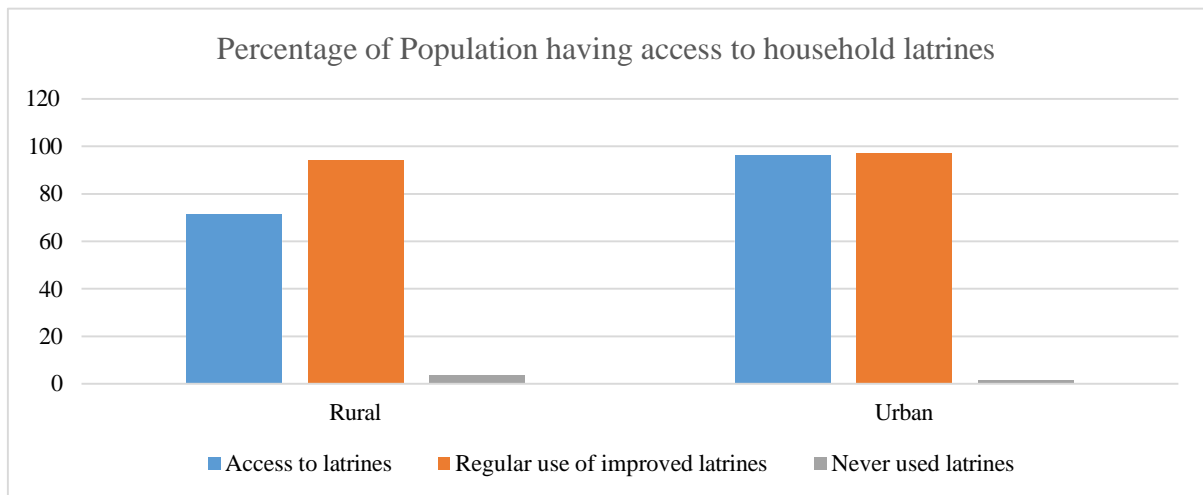
⁶⁴Abey Suriya, K., et.al. (n.d.). Can Corporate Social Responsibility resolve the sanitation question in developing Asian Countries? Retrieved from https://www.academia.edu/11283217/Can_corporate_social_responsibility_resolve_the_sanitation_question_in_developing_Asian_countries.

⁶⁵Lawania, Beena D. & Kapoor, Shikha, Leveraging Corporate Social Responsibility for the Advancement of Development Goals in India: The Sanitation and Cleanliness Movement in India, *Australian Accounting, Business and Finance Journal*, 12(2), 2018, 46-70.

⁶⁶National CSR Data portal. Retrieved from Development Sector Wise (csr.gov.in).

The National Sample Survey Office has conducted nation-wide surveys on 'Drinking Water, Sanitation, Hygiene and Housing Condition' to get data on availability of toilets, use of toilets, solid waste and liquid waste management at village and ward level. The study conducted in 2018 was spread over 8,992 first stage units (5,378 in rural areas and 3,614 in urban areas) covering 1,06,838 households (63,736 in rural areas and 43,102 in urban areas)⁶⁷. As per the data, 71.3 percent in the rural households and 96.2 percent in the urban households have access to latrines.⁶⁸ However, this data might suffer from respondent bias. Among the households which had access to latrines, about 93.8 percent of males and 94.6 percent of females in rural areas regularly used improved latrines, while the percentage for both males and females in urban areas was about 97.2 percent⁶⁹. In these households, about 3.5 percent in rural areas and

1.7 percent in urban areas never used latrines⁷⁰.



(Data Source: Report_584_final_o.pdf (mospi.gov.in)) Accessed on 17th May, 2024

As per the report of Samhita Social Ventures, a social enterprise that collaborates with companies to develop impactful corporate social responsibility initiatives, 90% of Companies reported at least one CSR intervention in WASH over the last three years with a total of 164

⁶⁷ Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water, Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

⁶⁸ Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water, Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

⁶⁹ Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water, Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

⁷⁰ Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water, Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

programs being implemented⁷¹. 38% of these companies were public sector undertakings⁷². As per the report, Heavy Engineering and Manufacturing and FMCG companies were more likely to support WASH programs because the kind of products they produced were aligned to the specific issues within WASH⁷³.

However, infrastructural facilities will not itself resolve the problem of open defecation. With the focus on toilet construction, information, education and communication initiatives have taken a backseat. A research study conducted by World Bank has emphasized on the need of changing attitudes towards using latrines, in order to eradicate open defecation⁷⁴. The researchers listed out four key aspects of open defecation:

1. Defecation practices
2. Acceptability of open defecation
3. Enforcement of toilet use
4. Notions of purity attached to toilet construction⁷⁵.

As per the report, 40% of people having toilets in their houses did not use them. Thus, bringing about change in the attitudes and behaviour of people would go a long way in resolving the problem of open defecation. Apart from this, poor maintenance of public toilets renders it unusable and paves the way for open defecation. As per the report by Samhita Social Ventures, only 15% of the companies are engaged in repair and maintenance of toilets as a part of their CSR initiatives under WASH⁷⁶.

⁷¹ CSR in Water, Sanitation and Hygiene (WASH): What are India's top companies up to? Available at CSR-in-WASH.pdf accessed on 17th May, 2024.

⁷² Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water, Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

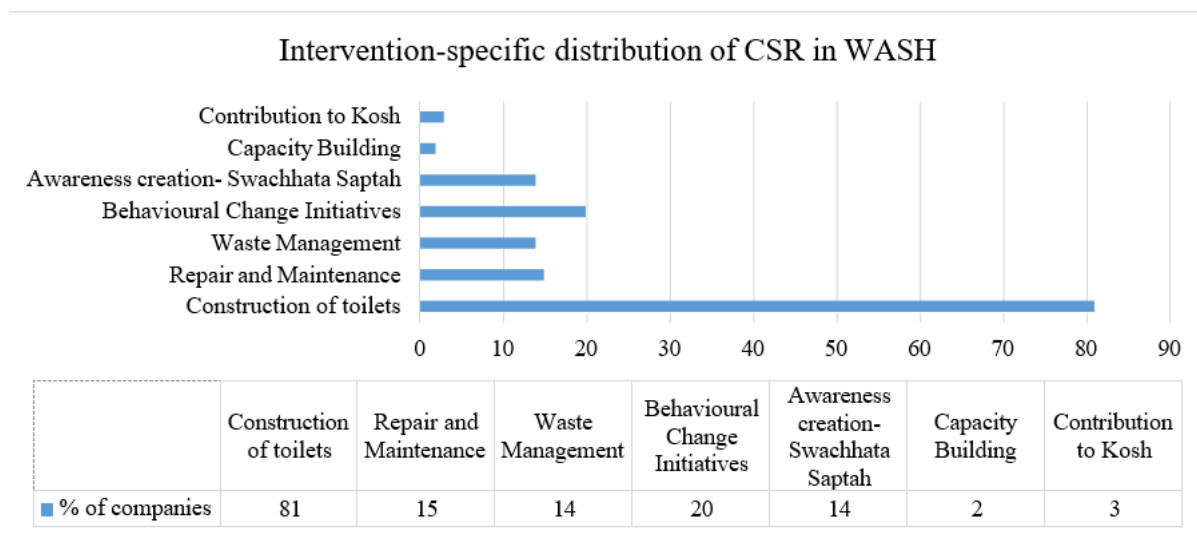
⁷³ Ministry of Statistics and Programme Implementation, Government of India. (2018). Drinking Water,

Sanitation, Hygiene and Housing Condition in India, NSS 76th Round (July 2018 – December 2018). Retrieved from Report_584_final_o.pdf (mospi.gov.in).

⁷⁴ Gauri, Varun, et.al., (2018). Shifting Social Norms to Reduce Open Defecation in Rural India, Policy Research Working Paper, World Bank Group.

⁷⁵ Gauri, Varun, et.al., (2018). Shifting Social Norms to Reduce Open Defecation in Rural India, Policy Research Working Paper, World Bank Group.

⁷⁶ CSR in Water, Sanitation and Hygiene (WASH): What are India's top companies up to? Retrieved from CSR- in-WASH.pdf.



(Data Source: CSR-in-WASH.pdf) Accessed on 17th May, 2024

Further, the report specifies that CSR activities in WASH is focused in rural areas, thereby neglecting the critical condition of urban areas⁷⁷. Thus, despite Swachh Bharat Mission and CSR initiatives to improve sanitation facilities and eradicate manual scavenging in India, the practice of open defecation, limited access to toilets and manual scavenging continues to prevail. It is imperative to make a more robust and vigorous CSR action plan with respect to not just construction of toilets, but also its repair and maintenance. Additionally, CSR should also be concerned about providing vocational training and alternative employments to people employed as manual scavengers, as they too have the right to health and sanitation. Elimination of open defecation and maintenance of toilets will create conditions for emancipation of this marginalized section and will restore their long-lost dignity.

Conclusion:

From the above study it can be concluded that in developing countries like India, a partnership between the Government and the Corporate entities can significantly increase the country's development index. CSR is indicative of the fact that companies are not just accountable to their shareholders, but they also have to take into consideration the interests of other stakeholders. CSR activities in WASH demonstrate the collective realization of corporate bodies of the environmental and sanitation problems plaguing the society. The large-scale construction of affordable, sustainable and easy to use toilets is a frog leap towards a cleaner India. Though there remain problems of unawareness and lack of regular repair, India has taken

⁷⁷ CSR in Water, Sanitation and Hygiene (WASH): What are India's top companies up to? Retrieved from CSR- in-WASH.pdf.

a step forward towards its goal of sustainable development. Section 135 of the Companies Act has altered the development landscape in India and has challenged the fundamental assumptions underlying business processes. It has bridged the gap between market economics and sustainable development. Yet, it is imperative that the Government drafts a policy taking into considerations the factors that hinder CSR in realizing its ultimate objective.

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