



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 4 | Issue 6 | 2025

Art. 16

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Recommended Citation

Adv. Nidhi L. Meshram and Prof. (Dr.) Shipra Singam, *Public Cleanliness as a Legal Right: A Constitutional, Judicial and Empirical Study of Sanitation Reform in India*, 4 IJHRLR 215-240 (2025).

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Public Cleanliness as a Legal Right: A Constitutional, Judicial and Empirical Study of Sanitation Reform in India

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Manuscript Received
29 Nov. 2025

Manuscript Accepted
02 Dec. 2025

Manuscript Published
11 Dec. 2025

ABSTRACT

Public cleanliness is essential for public health, dignity, and environmental quality in India. The judiciary has established the right to sanitation as part of the fundamental right to life under Article 21 of the Constitution. Nonetheless, the lack of a cohesive legal framework has led to ineffective implementation, disjointed responsibilities, and low adherence from citizens, with sanitation laws scattered across various regulations, offering limited remedies and accountability. This research evaluates the existing constitutional, statutory, and administrative frameworks and their effectiveness in ensuring enforceable rights and improved public cleanliness. Comparisons with Japan and Singapore, which have established high sanitation standards through strict legal measures, strong institutional frameworks, and public education, yield insights for potential reforms in India. Key structural deficiencies identified include weak penalties, competing institutional roles, insufficient monitoring, limited municipal capacity, and low public awareness. To address these issues, the research advocates for a Central Public Cleanliness and Sanitation Rights Act to formally recognize public cleanliness as a legal right. This act would define obligations for government and citizens, empower sanitation authorities, enable technology-driven monitoring, and impose effective penalties, including community service for repeat offenders. The study concludes that transforming public cleanliness into a

legal right, combined with legal accountability, civic engagement, and institutional capacity building, could greatly enhance sanitation outcomes and improve public health and overall quality of life in India.

KEYWORDS

Public Health, Public Cleanliness, Sanitation, Right, Environmental quality, Hygiene, Public spaces, Art. 21, Constitution

1. INTRODUCTION

Clean and hygienic public spaces are vital for health and social development in India, yet challenges such as littering and inadequate waste collection have worsened with urbanization. The Constitution does not explicitly guarantee public cleanliness, but the Supreme Court has linked it to the right to life under Article 21, creating obligations for state authorities. Despite initiatives like the Swachh Bharat Mission, issues remain due to fragmented legal frameworks, insufficient funding, and low civic engagement. International examples show that clear sanitation rights lead to better outcomes. The research advocates for a rights-based legislative approach in India, proposing the creation of a central law to codify public cleanliness as an enforceable right, thereby enhancing accountability and fostering community participation.

2. STATEMENT OF THE PROBLEM

India's constitutional right to a clean environment under Article 21 is undermined by a disjointed legal framework for public cleanliness. Sanitation governance is fragmented across various laws and initiatives, leading to inconsistent standards and weak enforcement. Municipal bodies face financial and resource constraints, resulting in irregular waste collection and inadequate public facilities. Low civic compliance due to insufficient penalties and public awareness exacerbates the issue. Compared to countries with established legal mandates for sanitation, India struggles with overlapping responsibilities and poor monitoring. To address ongoing unsanitary conditions, comprehensive central legislation is needed to elevate public cleanliness to a legally enforceable right, along with meaningful penalties and robust institutional frameworks.

3. RESEARCH OBJECTIVES

1. To examine the constitutional and legal basis of the right to public cleanliness in India, particularly under Article 21.

2. To analyze existing sanitation laws and identify key gaps in enforcement and institutional accountability.
3. To compare India's sanitation framework with global models such as Japan and Singapore.
4. To propose a comprehensive legal framework recognizing public cleanliness as an enforceable right.

4. HYPOTHESIS

The study is based on the hypothesis that: Recognizing public cleanliness as a legally enforceable right supported by a central legislation, clear institutional responsibilities, and strict penalties will significantly improve sanitation standards and strengthen accountability in India.

5. RESEARCH QUESTIONS

1. What is the current legal status of the right to public cleanliness and sanitation in India?
2. Why have existing sanitation laws, policies, and initiatives failed to ensure effective enforcement and accountability?
3. How do countries such as Japan and Singapore achieve high public cleanliness standards through law and governance?
4. What structural gaps exist in India's sanitation framework at the constitutional, statutory, and administrative levels?
5. What reforms and legislative measures are necessary to establish public cleanliness as a legally enforceable right in India?

6. RESEARCH METHODOLOGY

This study follows a doctrinal and analytical legal research method, examining constitutional provisions, statutory laws, municipal rules, and judicial decisions relating to public cleanliness in India. Secondary sources such as books, scholarly articles, government reports, and international studies are used to support analysis. A comparative approach is applied by studying sanitation frameworks in Japan and Singapore to identify best practices. The research adopts a qualitative analytical framework to interpret legal and policy gaps. An empirical component, based on survey responses, will be incorporated separately to support the doctrinal findings.

7. LITERATURE REVIEW

1. Kopal Khare's (2023) article critiques the concept of "realisation" of the right to sanitation in India¹, arguing that an infrastructure-centric approach, exemplified by the Swachh Bharat Mission (SBM), overlooks social inequalities such as those related to caste and gender. It points out that despite existing laws, manual scavenging persists, exploiting Dalit communities, especially women. Khare emphasizes that technological solutions fail to address the caste-based division of sanitation work and advocates for a rights-based evaluation that acknowledges sanitation workers as rights-holders. Drawing on Amartya Sen's concept of "realisation-focused justice," the article argues that true justice in sanitation should prioritize alleviating human suffering and expanding freedoms rather than just infrastructure investment.
2. Sujith Koonan's analysis of the Right to Sanitation in India² details the evolution of sanitation as a human right, emphasizing its inadequate implementation in India despite initiatives like the Swachh Bharat Mission. He identifies the sanitation crisis as stemming from governance failures and social inequalities, not just infrastructure issues. Koonan highlights the international acknowledgment of sanitation as a distinct right, vital for accountability and dignity, particularly for marginalized groups. In India, sanitation is linked to Article 21's right to life but suffers from a fragmented legal framework. He advocates for a comprehensive statutory framework that defines rights and duties, and a rights-based approach that addresses manual scavenging, worker protection, gender-sensitive planning, and inclusive governance. Koonan asserts that India's sanitation efforts should prioritize enforceable rights and institutional accountability over mere schemes and incentives.
3. The chapter "Sanitation Law and Policy in India – An Overview"³ explores the legal and policy framework of sanitation in India, stressing that sanitation encompasses

¹ <https://iwaponline.com/washdev/article/13/6/433/95484/The-right-to-sanitation-in-India-Realisation-of>

² <https://soppecom.org/pdf/Right-to-sanitation-in-India-Nature-scope-and-voices-fro-%20the-margins.pdf>

³ <https://academic.oup.com/book/25613/chapter-abstract/192971744?redirectedFrom=fulltext>

waste management, public health, and dignity beyond just toilet access. It details the legal hierarchy from the Indian Constitution to municipal and environmental laws and discusses the Supreme Court's rights-based interpretations. Despite existing legal instruments, sanitation is often governed by unenforceable administrative policies, resulting in weak accountability. The chapter critiques the inadequate incorporation of international frameworks into domestic law and highlights issues like institutional neglect and low political focus, advocating for a rights-oriented legal framework to transform policy goals into enforceable rights.

4. The PIB article "Waste to Wellness: India's Sanitation Journey" (2025)⁴ outlines India's advancements in sanitation via the Swachh Bharat Mission (SBM). India's sanitation advancements through the Swachh Bharat Mission (SBM) are outlined in the PIB article "Waste to Wellness: India's Sanitation Journey" (2025). There was a notable 467% increase in Open Defecation Free (ODF) Plus villages, rising from 100,000 in 2022 to over 567,000 in 2025, and 4,692 cities attained ODF status. SBM is recognized globally as a major sanitation initiative, connecting public health and environmental sustainability, with an estimated 300,000 diarrheal deaths prevented by 2019. Improvements in gender safety were also highlighted, as 93% of women reported feeling safer with household toilets. Complementary schemes like AMRUT and the Jal Jeevan Mission further enhance urban sanitation. The article concludes that India is evolving from toilet construction to comprehensive sanitation governance, establishing a global benchmark for large-scale reform.

5. Anisha Kar's article "Right to Clean Environment: A Constitutional and Legislative Perspective" (2023)⁵ discusses the evolution of environmental rights in India, highlighting their connection to Article 21 of the Constitution. Initially lacking environmental provisions, the Constitution saw amendments such as Articles 48-A and 51-A(g) that mandate environmental protection. The Supreme Court has interpreted Article 21 to recognize the

⁴ <https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=2191618>

⁵

https://www.researchgate.net/publication/391697428_Right_to_Clean_Environment_A_Constitutional_and_Legislative_Perspective

right to clean air, water, and a healthy environment in landmark cases like *Maneka Gandhi* and *Puttaswamy*. Despite these constitutional guarantees, the article identifies a notable gap in enforcement due to poor implementation and industrial pressures. Kar advocates for enhanced institutional accountability and public participation in environmental protection, concluding with proposals for improved governance and sustainability practices.

8. CONSTITUTIONAL AND LEGAL FRAMEWORK IN INDIA

India's sanitation governance is embedded in a complex framework of constitutional, statutory, and policy elements. While the term "right to sanitation" is not explicitly mentioned in the Constitution, judicial interpretations, the Directive Principles of State Policy, and various laws collectively affirm sanitation, hygiene, and environmental cleanliness as essential parts of the right to life and public health. These legal foundations underscore the recognition of sanitation as a critical element of human dignity.

8.1 Judicial Expansion Of Sanitation Rights

Article 21 of the Indian Constitution⁶ guarantees the right to life and personal liberty, which has been expansively interpreted through judicial decisions to include the right to live with human dignity. This interpretation encompasses access to essential resources such as clean drinking water, safe sanitation, sewerage systems, and a hygienic environment, as established by the Supreme Court. In the significant case of *Municipal Council, Ratlam v. Vardhichand*, the Court underscored that municipalities are required to uphold their legal responsibilities for sanitation and the prevention of public nuisance. This case, along with subsequent public health jurisprudence, has firmly established sanitation as a critical aspect of the State's obligations under Article 21, reinforcing the constitutional foundation for maintaining a clean environment.

8.2 Directive Principles of State Policy (DPSPs)

While non-justiciable, Directive Principles of State Policy (DPSPs) are essential in shaping legislative and administrative policies in India, particularly concerning sanitation. *Article 47*⁷ establishes the State's duty to enhance public health, while

⁶ <https://indiankanoon.org/doc/1199182/>

⁷ <https://indiankanoon.org/doc/1551554/>

Article 48-A⁸ mandates the protection and improvement of the environment. Together, these provisions embody the constitutional vision for public health and environmental sustainability, serving as the foundation for sanitation laws and programs in the country.

8.3 Fundamental Duties

Article 51-A(g)⁹ establishes a constitutional duty for every citizen to safeguard and enhance the natural environment, encompassing forests, lakes, rivers, and wildlife. This provision promotes active community engagement in areas such as sanitation, cleanliness, waste management, and overall environmental protection. It emphasizes that the responsibility for sanitation extends beyond government authorities, asserting it as a collective civic duty shared by all individuals.

8.4 Municipal And Local Government Statutes

Local bodies, which include Urban Local Bodies (ULBs), Municipal Corporations, and Panchayats, hold primary responsibilities in several critical areas. These responsibilities include the collection, transportation, and disposal of waste, as well as the operation and maintenance of sewerage and drainage systems. They are also tasked with the construction and maintenance of public toilets, the prevention of public nuisances, and the management of public health risks. Key legislation such as the Municipal Corporation Acts, Panchayati Raj Acts, and various State Public Health Acts impose enforceable obligations on these local authorities, thereby establishing sanitation as a fundamental function within the municipal framework.

8.5 Statutory framework: EPA and other laws

The Environment (Protection) Act, 1986 (EPA)¹⁰ serves as the foundational legislation enabling the Central Government to regulate pollution, manage waste, and ensure environmental quality. Accompanying this Act are several complementary laws that specifically address sanitation and waste management, including the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of

⁸ <https://indiankanoon.org/doc/871328/>

⁹ <https://indiankanoon.org/doc/1644544/>

¹⁰

https://www.indiacode.nic.in/bitstream/123456789/4316/1/ep_act_1986.pdf

Pollution) Act, 1981; and various management rules for Solid Waste (2016), Plastic Waste (2016), Bio-Medical Waste (2016), and E-Waste (2016). Collectively, these laws establish comprehensive standards for waste segregation, safe disposal, pollution control, and the broader goal of environmental protection.

8.6 National Policies and Missions

The Swachh Bharat Mission (SBM) is India's key national initiative launched in 2014 to eliminate open defecation and establish sustainable sanitation systems in both rural and urban areas¹¹. Its primary objectives include ensuring universal toilet coverage, effective solid and liquid waste management, promoting hygiene behavior changes, and facilitating community-led sanitation initiatives. SBM is complemented by various programmes such as AMRUT (which focuses on urban water supply and sanitation), Jal Jeevan Mission (aimed at providing safe drinking water), and the National Clean Air Programme (concerning air quality). Previous initiatives like the Total Sanitation Campaign and Nirmal Bharat Abhiyan laid the groundwork for SBM. Collectively, these efforts aim to convert constitutional mandates into actionable policies, fostering a cleaner, healthier, and sustainable sanitation ecosystem throughout India.

9. JUDICIAL INTERPRETATION OF THE RIGHT TO SANITATION UNDER ARTICLE 21

The Indian judiciary has significantly expanded the interpretation of Article 21, recognizing the right to life as inclusive of the right to sanitation, hygiene, and environmental cleanliness. Landmark rulings by the Supreme Court and High Courts have defined living with dignity as inherently linked to a clean environment and proper sanitation facilities. These judicial decisions have mandated municipal authorities and governments to uphold their legal responsibilities in ensuring public sanitation.

9.1 Municipal Council, Ratlam v. Vardhichand (1980)

The Ratlam case is a pivotal Supreme Court judgment that established sanitation as a legal obligation for local authorities, ruling that municipalities cannot use financial constraints as an excuse for failing to provide adequate drainage, waste disposal, and public sanitation.¹² Justice Krishna Iyer

¹¹ <https://tourism.gov.in/swachh-bharat-mission>

¹² <https://www.legalbites.in/landmark-judgements/case-summary-municipal->

emphasized that public health and sanitation are "obligatory duties" of municipalities according to the law. This case set the precedent for viewing sanitation as a fundamental right associated with human dignity under Article 21.

9.2 Subhash Kumar v State Of Bihar (1991)¹³

The Supreme Court affirmed that the right to life encompasses the right to enjoy pollution-free water and air. Despite dismissing the petition due to personal interest, the Court emphasized that environmental degradation harming public health is a violation of Article 21. This ruling establishes a connection between environmental pollution, water contamination, and waste discharge with the constitutional right to life.

9.3 B.L. Wadehra v. Union of India (1996)¹⁴

In a public interest litigation regarding unsanitary conditions in Delhi, the Delhi High Court ruled that cleanliness and sanitation are essential to the right to life. The Court condemned municipal authorities for failing to collect garbage and uphold hygiene standards, asserting that both the State and local bodies have a non-negotiable duty to maintain a clean city. This case broadened Article 21 protections to encompass urban waste management and the accountability of municipal authorities.

9.4 Dr. P.C. Koolwal v. State of Rajasthan (1986)

In this ruling, the Rajasthan High Court established that the right to cleanliness is a fundamental component of the right to live in a healthy environment. It highlighted that Article 51-A(g) of the Constitution, which outlines the Fundamental Duties, empowers citizens to call for the enforcement of sanitation laws. The judgment underscored the dual nature of sanitation as both a responsibility of the government and an obligation of citizens, thereby connecting fundamental duties directly with environmental rights.¹⁵

9.5 Other Significant Judicial Decisions

council-ratlam-v-shri-vardhichand-ors-1980-environmental-pollution-1132528

¹³ <https://blog.ipleaders.in/subhash-kumar-v-state-of-bihar-and-ors-1991-case-analysis/>

¹⁴ <https://www.casemine.com/judgement/in/56eaa065607dba382a079e11>

¹⁵ <https://testbook.com/landmark-judgements/lk-koolwal-vs-state-of-rajasthan>

The judicial decisions in various landmark cases reflect the evolving interpretation of environmental rights under Article 21 of the Indian Constitution. In **A.P. Pollution Control Board v. Prof. M.V. Nayudu (1999)**¹⁶, the Court underscored the necessity of scientific and administrative strategies to preserve water quality, establishing a connection between environmental regulation and the right to life. The **M.C. Mehta line of cases (1980s-2000s)**¹⁷ highlighted severe pollution issues, notably in the Ganga and air quality in Delhi, asserting that environmental harm constitutes a breach of Article 21. The Supreme Court, in **Virender Gaur v. State of Haryana (1995)**¹⁸, mandated that the State has an obligation to maintain sanitation and prevent environmental degradation, drawing from Articles 21, 47, and 48-A. Through **Almitra H. Patel v. Union of India (2000)**¹⁹, the Court addressed the inadequacies in municipal solid waste management and required adherence to scientific disposal standards, linking poor waste management to violations of Article 21. Lastly, in **Paryavaran Suraksha Samiti v. Union of India (2017)**²⁰, the Court required the establishment of sewage treatment plants throughout India, emphasizing that discharging untreated sewage contravenes the public's health rights as stated in Article 21.

Collectively, the judgments delineate several key principles: sanitation, cleanliness, and waste management are essential components of the right to life under Article 21 of the Constitution. Municipalities and state authorities are charged with statutory obligations to uphold these standards. Environmental degradation and public health risks are identified as violations of constitutional rights. Citizens are empowered to seek enforcement of these rights under Articles 21 and 51-A(g). This judicial development establishes the right to public cleanliness as a legal entitlement and underscores the necessity for a comprehensive legal framework to ensure sanitation standards across India.

10. COMPARATIVE STUDY: JAPAN AND SINGAPORE

Comparing India's sanitation framework with international models sheds light on creating a strong legal system for the "Right to Public Cleanliness." Notably, Japan and Singapore exemplify

¹⁶ <https://www.legalserviceindia.com/legal/article-17304-case-analysis-andhra-pradesh-pollution-control-board-v-s-prof-m-v-nayudu-retd-.html>

¹⁷ <https://indiankanoon.org/doc/59060/>

¹⁸ <https://www.dhyeyalaw.in/virender-gaur-v-state-of-haryana-1995>

¹⁹ <https://lawbhooki.com/almitra-h-patel-v-union-of-india/>

²⁰ <https://indiankanoon.org/doc/109218774/>

effective sanitation due to their stringent legal frameworks, robust civic culture, and efficient administration. Their experiences illustrate the synergy between law, policy, and societal behavior in achieving sustainable cleanliness outcomes.

10.1 Japan: Sanitisation Through Discipline, Law And Community Participation

Japan is renowned worldwide for its remarkably clean streets and effective waste management, which stem from a combination of stringent regulations, advanced municipal systems, and a strong public awareness of civic responsibility. This sanitation success highlights the nation's commitment to maintaining cleanliness and environmental responsibility.

10.1.1 Legal And Institutional Framework

Japan's sanitation system is regulated by several key laws, including the Waste Management and Public Cleansing Act of 1970²¹, the Basic Environment Law of 1993²², and local government ordinances concerning waste sorting and disposal. These regulations clearly delineate municipal responsibilities for waste collection and disposal as well as individual obligations, with a strict prohibition against littering and improper disposal. Additionally, local governments establish comprehensive rules regarding waste segregation, collection timing, types of waste, and the use of designated bags, enforcing penalties for any violations.

10.1.2 Citizen Responsibility and Civic Culture

Japan emphasizes public participation in waste management through strict segregation rules. Citizens must categorize waste meticulously, with non-compliance leading to uncollected garbage and official notices. From an early age, students learn to maintain cleanliness through the "O-soji" culture, which encourages them to clean their classrooms and surroundings. Littering in public is socially frowned upon, reflecting a cultural norm rather than reliance on strict policing.

10.1.3 Infrastructure And Technology

Advanced sorting systems have led to high recycling rates,

²¹ <https://www.japaneselawtranslation.go.jp/en/laws/view/4529/en>

²² <https://policy.asiapacificenergy.org/node/2633>

while waste-to-energy plants play a crucial role in minimizing reliance on landfills. Additionally, public toilets are noted for being widespread, clean, and equipped with advanced technology.

10.1.4 Key takeaways for India

Create and enforce national standards for segregation and waste disposal, alongside promoting civic cleanliness education starting from schools. Encourage social responsibility through community-led sanitation initiatives, and ensure that municipalities adopt uniform and scientifically-based waste management practices.

10.2 Singapore: Cleanliness Through Strict Laws And Efficient Enforcement

Singapore is recognized as one of the cleanest countries globally, a status attributable to its strict enforcement of zero-tolerance laws, substantial fines for violations, and effective governance. The legal framework in Singapore emphasizes public cleanliness as a fundamental aspect of maintaining social order.

10.2.1 Legal Framework

The core legislation governing sanitation is the Environmental Public Health Act (EPHA) of 1987²³. Key provisions include the prohibition of littering, spitting, open dumping, and public nuisances. The act mandates fines for littering, with repeat offenders facing higher penalties and Corrective Work Orders (CWOs) that require them to clean public places visibly. Additionally, it includes licensing for waste collectors and regulations to uphold hygiene standards.

10.2.2 Enforcement Mechanisms

The core legislation governing sanitation is the Environmental Public Health Act (EPHA) of 1987. Key provisions include the prohibition of littering, spitting, open dumping, and public nuisances. The act mandates fines for littering, with repeat offenders facing higher penalties and Corrective Work Orders (CWOs) that require them to clean public places visibly. Additionally, it includes licensing for waste collectors and regulations to uphold hygiene standards.

²³ <https://sso.agc.gov.sg/act/epha1987>

10.2.3 Public Infrastructure And Awareness

Clean public toilets are essential for all residential and commercial areas. Efforts like National Courtesy Campaigns and anti-littering awareness initiatives are crucial. The "Keep Singapore Clean Movement" actively engages schools, non-governmental organizations (NGOs), and resident committees to promote cleanliness.

10.2.4 Key Takeaways For India

To address littering and spitting issues, the proposal recommends implementing stringent laws accompanied by graduated penalties. For habitual offenders, community service similar to Community Work Orders (CWO) is suggested as a punishment. Additionally, the plan emphasizes enhancing surveillance and monitoring systems, alongside digital reporting tools, to effectively manage the situation. Furthermore, there is a call to expand the availability of public restrooms and to maintain them in a safe and hygienic manner.

10.3 Comparative Table: Japan Vs. Singapore Vs. India

Feature	Japan	Singapore	India
Legal strictness	Moderate but culturally enforced	Very strong, strict fines	Weak and inconsistently enforced
Civic sense	Extremely high	High	Often low
Enforcement	Social norms more than policing	Strong enforcement machinery	Weak municipal enforcement
Infrastructure	Advanced waste to energy systems	Highly efficient urban sanitation	Uneven; varies by city/village
Public toilets	Clean, accessible	Clean and mandatory in	Often insufficient or

		commercial areas	poorly maintained
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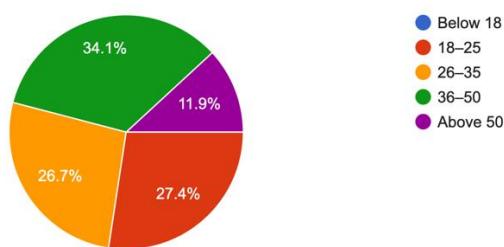
10.4 Lessons For India's Proposed Sanitation Law

A proposed Public Cleanliness Act in India should include the following key elements: mandatory waste segregation accompanied by penalties for non-compliance, inspired by Japan's approach; strict fines for littering and spitting, supplemented by community service, reflecting Singapore's methodology; development of uniform national standards for managing solid and liquid waste; implementation of civic education programs to promote hygiene starting from the school level; adoption of technology-based monitoring systems, such as public complaint mechanisms and CCTV; and enhanced accountability for Urban Local Bodies with statutory reporting obligations.

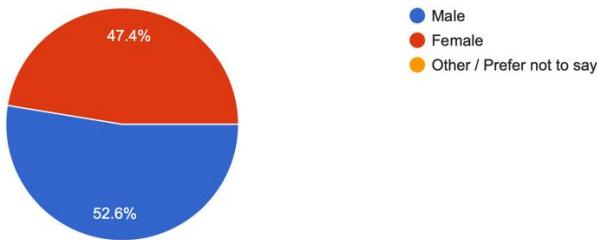
11. DATA ANALYSIS AND INTERPRETATION (EMPIRICAL STUDY)

This empirical study involving 137 respondents investigates public perceptions and attitudes towards sanitation and cleanliness in India. It reveals significant behavioural patterns, gaps in municipal services, and a strong demand for legal enforcement of cleanliness rights.

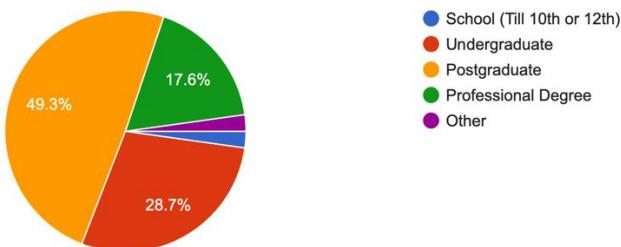
Age Group
135 responses



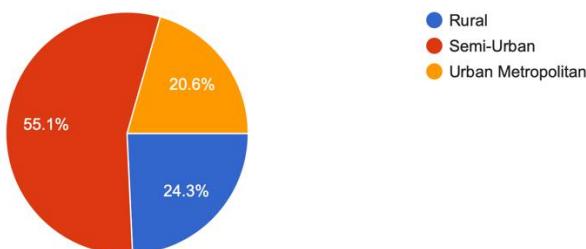
The responses reflect the perspectives of adults and middle-aged residents, providing mature, experience-based insights into sanitation issues.

Gender
135 responses

Balanced gender participation enhances the comprehensive understanding of sanitation challenges.

Highest Educational Qualification
136 responses

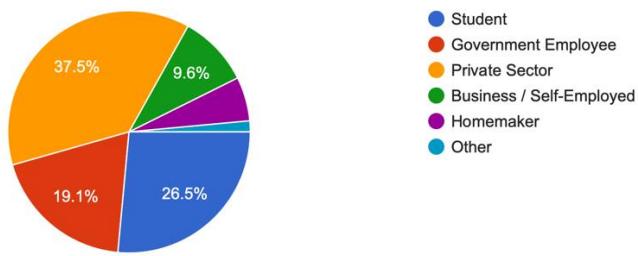
The sample's high education level (nearly 95%) increases the reliability of responses about legal awareness and civic attitudes.

Place of Residence
136 responses

Urban and semi-urban areas are predominantly represented in the sample, indicating access to municipal sanitation services.

Occupation

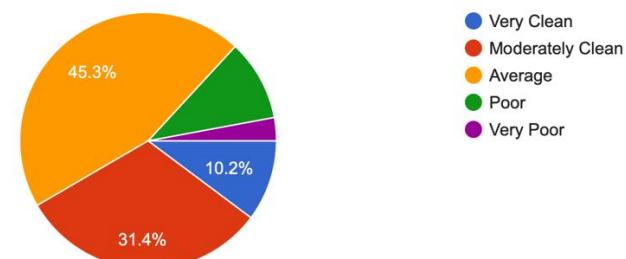
136 responses



A mixed occupational profile reflects various stakeholder perspectives.

How would you rate the cleanliness of public spaces in your area?

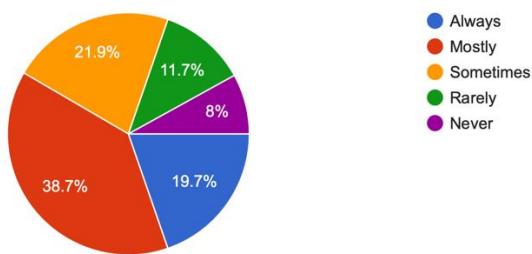
137 responses



Most respondents perceive public cleanliness as average or poor, indicating a need for enhanced enforcement and infrastructure improvements.

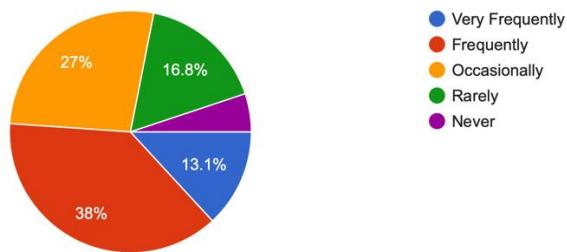
Are public dustbins and waste collection services easily available in your locality?

137 responses



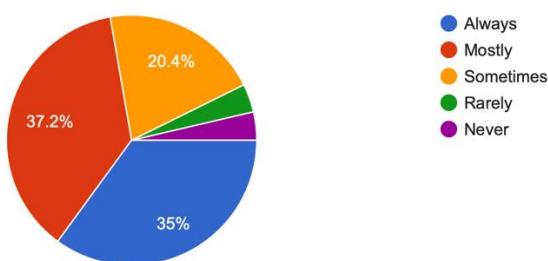
Over 60% of individuals report inadequate accessibility to dustbins and waste collection, which directly contributes to littering.

How often do you see littering, spitting, or public urination in your area?
137 responses



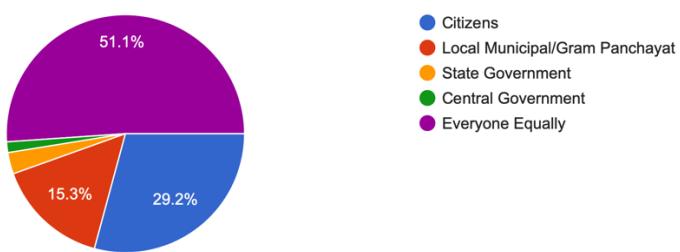
Public nuisance behaviors are common, indicating inadequate civic discipline and insufficient enforcement.

Do you personally segregate household waste (dry/wet/other)?
137 responses



Over 40% of individuals fail to consistently segregate waste, indicating a behavioral gap despite education levels, even though more than half do engage in proper waste segregation.

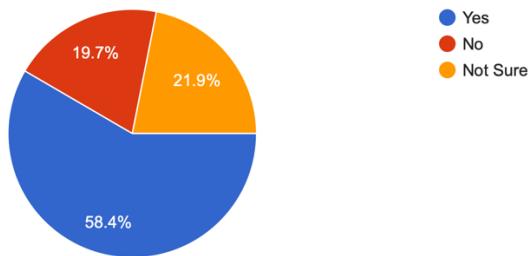
Who do you think is mainly responsible for maintaining public cleanliness?
137 responses



Majority opinion holds that cleanliness is a collective duty, although one-third of individuals assign the main responsibility to citizens alone.

Are you aware that the right to a clean environment and sanitation is connected to Article 21 (Right to Life)?

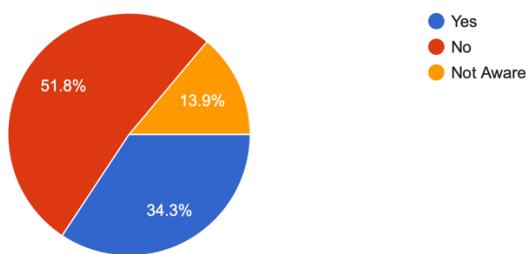
137 responses



Despite high education levels, 40% of individuals are unaware that a clean environment is a fundamental right under Article 21.

Do you think India has strong laws to penalize littering, spitting, or open defecation?

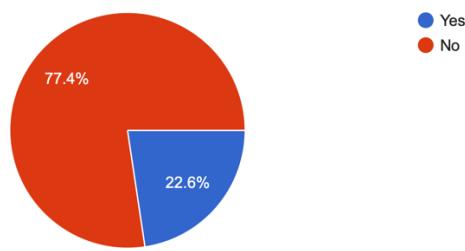
137 responses



A significant legal awareness gap exists, with 65% of citizens unaware of anti-littering provisions.

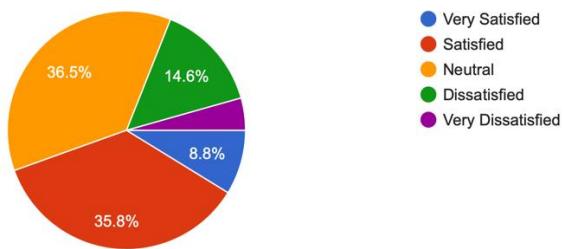
Have you ever seen anyone being fined or penalized for littering in your area?

137 responses



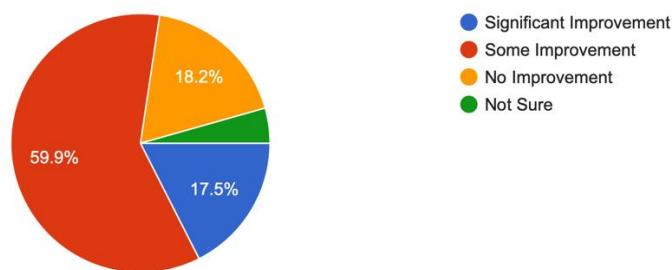
Enforcement is notably deficient, with fines rarely being enforced.

How satisfied are you with waste collection services in your locality?
137 responses



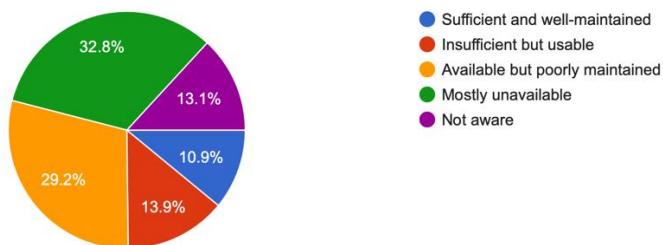
Half of respondents express dissatisfaction or neutrality, indicating inconsistent service delivery.

Do you think Swachh Bharat Mission has improved cleanliness in your area?
137 responses



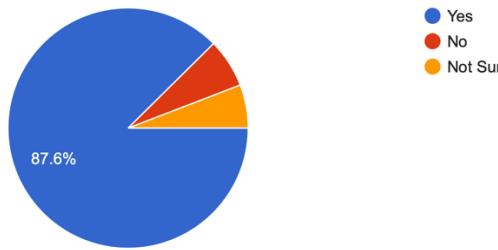
Some perceive improvement, yet 17% believe SBM has not provided any help, indicating sustainability concerns.

Are public toilets in your area:
137 responses



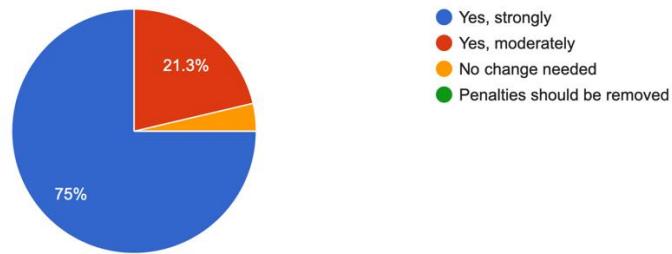
Public toilet infrastructure is a significant weakness, reflecting broader national sanitation challenges.

Do you support the idea of a central law guaranteeing the "Right to Public Cleanliness" in India?
137 responses



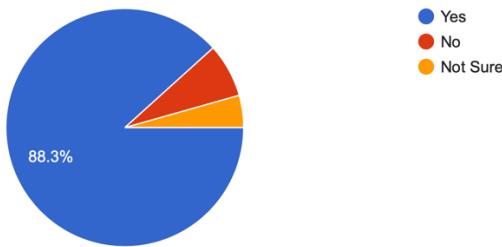
There is a strong public consensus in India advocating for the establishment of a dedicated sanitation rights law.

Do you think strong fines and penalties for littering should be implemented?
136 responses



Near-unanimous support for strict fines indicates significant public frustration with the current enforcement measures.

Would you support community-service punishments (like cleaning public places) for repeat offenders?
137 responses



A large majority prefer community cleaning as a means of restorative justice.

Public infrastructure gaps include insufficient bins, inadequate toilet availability, and weak waste services, leading to littering and

spitting. Legal awareness, especially regarding sanitation laws and Article 21, is low, with 77% of individuals never witnessing penalties. There is a strong public demand for stricter fines, community-service punishments, and a central sanitation rights law. While the Swachh Bharat Mission (SBM) is perceived as helpful, its impact is uneven and sustainability issues persist.

12. GAPS IN INDIAN SANITATION LAW

In India, despite advancements in judicial decisions and national sanitation programs, the legal and institutional framework for sanitation is hindered by significant structural, procedural, and normative deficiencies. These shortcomings impede the realization of the right to cleanliness as a substantial and enforceable entitlement for citizens. The principal gaps are analyzed thematically, highlighting their legal and operational repercussions.

12.1 Absence Of A Unified, Rights-Based Statute

Article 21 jurisprudence and various sectoral laws address sanitation, but there is no comprehensive central statute establishing public cleanliness as an enforceable right. The existing governance framework is disjointed, encompassing municipal acts, environmental laws, and public health policies, which leads to legal uncertainty for both duty-bearers and rights-holders. As a result, citizens do not have a clear statutory means to assert sanitation as an enforceable right, relying instead on discretionary administrative actions or slow judicial processes for enforcement.

12.2 Fragmented Institutional Responsibilities

Sanitation functions are distributed among various agencies, including municipal corporations, panchayats, state health departments, and pollution control boards, leading to overlapping roles and poor coordination. The absence of a strong national authority with regulatory powers results in inter-agency blame, policy inconsistency, duplicated efforts, and inadequate waste management systems.

12.3 Weak And Inconsistent Penalty Regime

Many laws impose penalties for violations, but fines are often minimal, inconsistent, and seldom enforced. Administrative sanctions lack severity and do not address repeat offenses. Alternative corrections are limited, leading to slow behavioral

change regarding hazardous dumping and industrial non-compliance. This results in low deterrence and the public perceives little consequence for sanitation violations, contributing to ongoing littering, spitting, and open defecation.

12.4 Lack Of Fast, Accessible Grievance Redressal And Enforcement Mechanisms

Present remedies for sanitation failures are mainly judicial (writ petitions, PILs) or through administrative grievance portals, which have limited timelines and enforceability. There is a lack of a statutory, time-bound grievance redressal mechanism specifically for sanitation issues that can award compensation, issue mandamus, or impose sanctions. This results in slow redressal, erosion of public trust, and an increased reliance on courts, consequently overburdening the judiciary.

12.5 Poor Monitoring, Data Transparency And Technology Integration

Local bodies often do not have standardized key performance indicators (KPIs), geo-tagged data, digital dashboards, CCTV cameras, or requirements for public reporting. National surveys, such as Swachh Survekshan, primarily assess conditions at one point in time rather than fostering continuous compliance monitoring. This results in a lack of interoperability between municipal management systems and national reporting platforms, leading to real-time accountability issues, challenges in performance-related funding, and insufficient evidence-based policymaking.

12.6 Behavioural and Educational Deficit

Behavioural change campaigns are essential for Sustainable Behaviour Management (SBM), yet educational institutions and local bodies are not legally required to incorporate civic sanitation education or long-term Information, Education, and Communication (IEC) commitments, nor to establish measurable behaviour-change key performance indicators (KPIs). Consequently, the benefits of infrastructure investments are not maintained due to enduring social norms and inadequate civic ownership.

12.7 Urban- Rural And State To State Disparities

India's federal structure results in significant differences in laws, fines, enforcement, and service levels across states and urban versus rural areas. The lack of an effective harmonization

mechanism leads to unequal protection of sanitation rights and challenges in implementing best practices on a national level.

Together, gaps in constitutional rhetoric and programme achievements lead to fragile outcomes. While judicial activism has provided some remedies, it cannot replace a robust statutory framework encompassing rights, duties, enforcement, financing, and participatory governance. The lack of clarity regarding accountability and standards fosters systemic impunity and institutional inertia.

13. PROPOSED MODEL LEGISLATION

The proposed Public Cleanliness and Sanitation Rights Act, 2025 is a comprehensive legal framework aimed at establishing enforceable rights to public cleanliness in India. It emphasizes the need for national standards and the creation of a National Sanitation Commission to oversee sanitation governance. Key provisions include the legal recognition of individual rights to access clean public spaces and sanitation services, mandatory duties for local authorities, and citizen responsibilities regarding waste management. A graduated penalty system for violations is introduced, alongside protective measures for sanitation workers. The Act also advocates for public participation in sanitation initiatives and includes mechanisms for grievance redressal and funding allocation to improve sanitation infrastructure. This legislation is designed to align India's sanitation practices with global standards, ensuring a clean and dignified environment for all citizens.

14. RECOMMENDATIONS

To enhance sanitation governance and uphold the right to public cleanliness in India, key recommendations include: enacting a Central "Right to Public Cleanliness and Sanitation Act" to define sanitation rights and establish duties for municipalities and citizens; strengthening municipal enforcement with dedicated Sanitation Enforcement Officers and digital monitoring; promoting behavioral change through awareness campaigns and educational integration; improving waste management infrastructure with 100% door-to-door collection and waste segregation; reforming public toilets to be more inclusive and ensuring cleanliness through audits; and strengthening the position of sanitation workers with compliance to safety regulations, insurance, and mechanization of sewer cleaning.

15. LIMITATIONS OF THE STUDY

Despite the thoroughness of the research, it faces limitations including a small sample size of 135 respondents that may not reflect India's broad socio-cultural diversity, a geographical bias with most responses from urban areas, potential self-reported bias in positive practices, and a lack of longitudinal data capturing opinions only at a single moment in time.

16. CONCLUSION

Sanitation in India has shifted from a neglected issue to a national priority, notably due to the Swachh Bharat Mission. Despite constitutional backing and government efforts, cleanliness in public areas remains inconsistent, weakly enforced, and public understanding of sanitation as a right under Article 21 is low. The study shows strong public support (87.4%) for a law ensuring the Right to Public Cleanliness and calls for tougher penalties for sanitation violations. To transform the sanitation landscape, a rights-based, citizen-focused, and enforcement-driven strategy is necessary, complemented by strong infrastructure and community involvement. This approach aims to make cleanliness a tangible reality for all citizens.

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