



Chhattisgarh State Inclusive & Accessible SANITATION Policy for Persons with Disabilities and Transgender Persons



(Restricted for internal circulation only)

*Prepared by
Mr. Samir Ghosh
Shodhana Consultancy, Pune*

Contents

1. Introduction.....	1
2. Policy Statements	4
3. Legal Framework	5
4. Guiding Principles	5
5. Policy Objectives	6
6. Target Groups	7
7. Policy Guidelines for Accessible SANITATION	8
8. Policy Implementation & Monitoring	8
9. Roles & Responsibilities of Stakeholder Departments	9
<i>State Swachh Bharat Mission (Gramin) – SSBM(G)</i>	<i>9</i>
<i>Chhattisgarh State Rural Livelihoods Mission (CGSRLM)</i>	<i>9</i>
<i>Social Welfare Department</i>	<i>10</i>
<i>Rural Development Department</i>	<i>10</i>
<i>List I: Barriers faced by Persons with Disability for access to SANITATION</i>	<i>11</i>
<i>List II: Challenges faced by different categories of PwDs</i>	<i>11</i>
<i>Annexure I: List of Categories of Persons with Disability</i>	<i>12</i>

Chhattisgarh State Inclusive & Accessible Sanitation Policy for Persons with Disabilities (PwDs) and Transgender Persons (TGPs)

1. Introduction

The Constitution of India ensures life of equality, justice and dignity to all citizens and mandates an inclusive society to all including the marginalized and excluded sections of the society which include Persons with Disabilities (PwDs) and the Transgender Persons (TGPs). The base document of Swachh Bharat Mission (SBM) has “Equity and Inclusion” as one of the major components that clearly states, *“Providing access to the different categories of people who are not able to access and use safe sanitation facilities shall be a priority of the implementing agencies. These categories of people may include among others, those who are socially and economically marginalized... Requirements and sensitivities relating to gender including dignity and safety issues shall be taken into account at each stage of planning, implementation and post implementation management of sanitation issues”*. **Access to safe and clean water and sanitation facilities** is a basic right of all people, including PwDs and TGPs, the denial of which can have serious implications on their well-being.

According to the joint report by World Health Organization and World Bank, “World Report on Disability and Rehabilitation” 2011, *“Households with a disabled member are more likely to experience material hardship including food insecurity, poor housing, lack of access to safe water and sanitation, and inadequate access to health care”* Furthermore, *“people with disabilities have poorer health outcomes, lower education achievements, less economic participation and higher rates of poverty than people without disabilities”*.

Similarly, in the case of TGPs, though the Union Ministry of Drinking Water and Sanitation (in April 2017) has sent out guidelines to the SBM decreeing that members who are part of the transgender community should be allowed to use the public toilet they are most comfortable with, there is a need for separate toilets being constructed/assigned to protect Transgender (TG) persons’ privacy, and ensure their safety and dignity. Supreme Court of India institutionalized the transgender identity and also recognized that TGPs face violence and hostility while using the public toilets and therefore advised both state and central government for creating separate toilets for TGPs in public spaces.

Toilets constructed at public utilities under SBM include toilets usable for men or women and in some cases accessible toilets for PwDs. The Prime Minister of India through SBM has been emphasizing the need to make India an Open Defecation Free (ODF) nation by the year 2019. However, little attention has been paid with regard to the needs of diverse groups of people with specific sanitation needs that include PwDs with various types of disabilities and the TGPs. Traditionally, governments have rarely taken into account these groups while implementing and evaluating programs and schemes. For social inclusion to take place in the true sense the specific needs of PwDs and TGPs cannot be overlooked, neither can a blanket rights approach be applied, as diversity of such groups needs be acknowledged, understood and adapted to.

According to Census 2011, the total number of PwDs in Chhattisgarh is 6.25 lakh which is 2.45% of the total population of the state. There are 2.91 lakh females and 3.34 lakh males in the total disabled population. Category-wise distribution of PwDs is as follows;

Disability Category	Total (in lakhs)	Rural in lakhs)	Urban (in lakhs)
In Seeing	1.11	0.88	0.23
In Hearing	0.92	0.73	0.19
In Speech	0.28	0.21	0.07
In Movement	1.90	1.56	0.35
Mental Retardation	0.33	0.25	0.08
Mental Illness	0.21	0.16	0.05
Others	0.77	0.58	0.19
Multiple Disability	0.72	0.60	0.12
Total PwDs	6.25	4.98 (3.29*)	1.27

**At the lowest end 3.29 lakhs of PwDs would be in requirement of accessible toilet.*

The 10 districts with highest PwD population are as follows;

Sr. No.	Districts	Rural PwD Population
1.	Raipur	7685
2.	Durg	7265
3.	Bilaspur	5897
4.	Surguja	5275
5.	Janjgir - Champa	5073
6.	Rajnandgaon	4441
7.	Mahasamund	4252
8.	Raigarh	4148
9.	Jashpur	2751
10.	Bastar	2460

It must be noted that these figures are from the 2011 Census which was on the basis of 1995 and 1999 acts which recognized a total of 9 different categories of PwDs. However, on

repealing and replacement of 1995 by the 2016 act, additional 12 categories of disability have been included to make it 21 in all. Therefore, based on the 2016 act, the number of PwDs will substantially increase. Approximately, 79.72% of the disabled population resides in rural areas and among these only infinitesimal disabled are being served.

There are contradictory figures for the count of transgender persons in the state of Chhattisgarh, while the Census 2011 figure depicts a total number of 6591 TGPs, a separate survey done by the Social Welfare Department of the Govt. of Chhattisgarh put the figure of about 2500 TGPs for the state. In addition, the Census figure does not provide segregated district-wise data for the state, nor do we get an idea of the rural-urban bifurcation of the gross figure. It also must be appreciated that 'transgender' is an umbrella term and there are various diverse groups within this umbrella, and their sensitivities need to be addressed. Therefore any survey should be able to capture this variance so that it is helpful for making any policy or programme formulation.

Government of India has given the much needed impetus to SANITATION by establishing Swachh Bharat Mission so as to implement the objectives in mission mode. International studies particularly undertaken by WaterAid in collaboration with University College, London sufficiently highlights the deplorable conditions of access to clean water & sanitation by PwDs globally. Also a working group study anchored by WaterAid on 'Transgender Inclusive Sanitation in South Asia' has brought out the diverse needs of transgender groups and also the deeply embedded attitudinal barriers due to which they face stigma, discrimination, violence, abuse, while using public utilities .

Inspired by the directives of SBM, a day's deliberation on Accessible SANITATION - Ensuring Equity, Accessibility and Inclusion of Vulnerable Groups in Swachh Bharat Mission was organized on 17th April 2018, at TPIPRD, Nimora, Raipur Chhattisgarh under the aegis of State SBM (G), South Eastern Coalfields Ltd. (SECL), UNICEF and WaterAid India to demarcate and earmark various accessibility problems faced by the PwDs and TGPs while accessing the toilet facilities. The consultation was attended by all the major categories of PwDs, parents & care givers, Transgender persons, NGOs as well as academicians and government functionaries. Subsequent to this consultation, 5 Focus Group Discussions (FGDs) were done with different TGPs in different districts which brought in rich inputs in the process of the policy writing. A separate deliberation was done within the 4 working partner organizations which stemmed from possible corollaries coming out of this project as well as other aspects of the project. In addition, an interface workshop with design experts, toilet technologists, ergonomists, innovative architects, accessibility consultants and biomedical engineers together with PwDs from various categories was undertaken on 12th

September 2018, where the PwDs deliberated on a face to face basis and shared their difficulties faced while accessing sanitation facilities in daily life. Deliberation not only sensitized the visiting expert groups on the problems of PwDs but also set them to come up with design solutions which are affordable for country like India where income level is extremely low but PwDs are further exacerbated with most rudimentary needs of life.

To ensure safe & clean sanitation facilities for both these vulnerable sections of the society, based on the findings of stakeholders' deliberation and the interface consultation, Government of Chhattisgarh has formulated the '**Chhattisgarh State Inclusive SANITATION Policy for Persons with disabilities and Transgender Persons, 2018**' by using powers conferred by Article 38 read together with Article 39(a) and 39(b) of the Constitution of India with a view to empower PwDs and TGPs in the state. This policy recognizes the enormous task and commits itself to live up to the tradition of Chhattisgarh that has pioneered many social sector programmes including disability and transgender persons, in the country. ***The policy will be applicable to the entire state of Chhattisgarh, rural and urban which include government, public sector undertaking, private public places and local self government as defined in the annexure.***

2. Policy Statements

The policy envisions disability in a holistic manner wherein their access to SANITATION has been viewed as an integral part of empowerment of PwDs and TGPs to lead a life with dignity. Accordingly, the component of accessible SANITATION is observed as the responsibility of the Ministry of Water & Sanitation, Ministry of Rural Development and the Ministry of Social Justice & Special Assistance (SJSA) that recognizes specific responsibilities of the individual departments as well as in convergence. The policy statements read as follows;

- (1) Chhattisgarh is one of the most diverse states in the country with a long-standing commitment of becoming an inclusive society where citizens, many of who are PwDs and TGPs, are able to fully participate without any discrimination in the social, cultural, recreational, economic and political life of the state and of the nation.
- (2) Recognizing the rights of PwDs and TGPs, the Government of Chhattisgarh will create an enabling environment for these two excluded groups through equalization of opportunities and ensure full access to water & sanitation and hygiene facilities within the house, workplace, in the community and all public places.
- (3) The Government will ensure the promotion of innovative & adaptive technology and service solutions in order to create and facilitate access to water & sanitation and hygiene facilities to PwDs and TGPs.

- (4) The Government is committed to abolish all forms of discrimination and violence faced by PwDs and TGPs who are subject to multiple and aggravated forms of discrimination on the basis of caste, class, gender, tribe, sexual orientation, disability, language, religion or in any other form.

3. Legal Framework

The legal framework for the policy is guided by the provisions of the following acts and conventions -

- (1) The Rights of Persons with Disabilities Act, 2016 (Article 24.3.a, 24.3.e, 25.2.e)
- (2) United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- (3) Sustainable Development Goals (goal number 3,4, 6 and 11)
- (4) Swachh Bharat Mission (Gramin) Guidelines (Chapter 5.9.1 and 5.9.4)
- (5) The Supreme Court Judgement of Transgender Rights, 2014 (NALSA Vs Union of India)

4. Guiding Principles

Principles upon which the policy is based include -

- (1) Self-Representation - This means that the collective determination and wisdom of PwDs and TGPs must be utilized in formulation of the SANITATION strategies in the form of information and resources;
- (2) Inclusion - This means that all programmes related to SANITATION must be designed to include full & effective participation of PwDs and TGPs keeping in view unique needs of all categories of disability in order to safeguard their interest;
- (3) Commitment to Quality - This means that the Government is fully committed to provide and ensure quality and accessible SANITATION services to PwDs and TGPs. The quality must be defined in terms of basic non-negotiable, during the process of strategy formulation;
- (4) Rights Based Perspective – This means that the access to SANITATION should be looked at, as a matter of basic right for PwDs and TGPs in order to ensure their holistic inclusion.

5. Policy Objectives

The broad objectives of the Chhattisgarh State Inclusive SANITATION Policy for PwDs and TGPs are as follows -

- (1) Inclusion of disability rights, values and practices in SANITATION strategies;
- (2) Develop an integrated management system including database management for the coordination of inclusive SANITATION planning, implementation and monitoring in the line functions of various stakeholder departments;
- (3) Create a community cadre as “Accessible SANITATION Champions” at the block and village level;
- (4) The community based organizations such as Village level organizations (VO) and Cluster level federations (CLF) under the Chhattisgarh State Rural Livelihoods Mission (CGSRLM) functional area will essentially be the pivot for implementation of Chhattisgarh Swachh Bharat Mission (Gramin) and would be fully accountable for ensuring that accessible toilets are in place (wherever required) before declaring the Panchayat as Open Defecation Free (ODF);
- (5) Ensuring adequate budget provision by the stakeholder departments of the state as well as local self-government;
- (6) Public education through awareness generation and sensitization for inclusive and accessible SANITATION;
- (7) Strengthen the capacity of stakeholder department functionaries at all levels;
- (8) Ensure active involvement of the various stakeholders such as Panchayati Raj Institution (PRI) representatives, Self Help Groups (SHGs), Disabled Persons Group (DPGs), Village level Organizations & Federations and field functionaries of various Government departments in order to achieve the goal of sustainable accessible SANITATION;
- (9) (i) A village would be declared as ODF plus if and only if all the households with identified PwDs (in need of) have accessible toilet.(ii) A Panchayat would be declared as ODF plus if and only if all the households with identified PwDs (in need of) have accessible toilet and the community and public toilets in the Panchayat have separate or designated toilet for TGPs and accessible toilet with universal design for PwDs;
- (10) Ensure that the size & pattern of the accessible toilet is constructed based on the requirement of user PwD taking into consideration extent of physical and sensory difficulty;
- (11) The user PwDs (wherever required) would be provided with the personal assistive devices to ease the access to the toilet;

- (12) Any assistance required will be provided to the pre-existing household toilet to make it accessible in all households with identified PwDs in need for accessibility;
- (13) All programmes of accessible SANITATION will be developed on the basis of the following 3 principles;
- i) Getting there – Management of complete surrounding environment so as to enable the PwDs & elderly persons safe & easy access to the toilet and water facilities.
 - ii) Getting in/on/out/near – The entrance, provisions all essential fittings, illumination as well as any graphics or unique requirements of PwDs with sensory impairments will be fulfilled.
 - iii) Usability – The toilet design and the support system will be taken care in such a manner so as to suite the individual PwD appreciating their difficulties which include transfer, vision and sensory difficulty. Further importance of auditory signals, color coordination, illumination and points for water usage will also be taken care as per need.

6. Target Groups

1. **Persons with Disabilities** - The policy recognizes and defines all those people as 'Persons with Disabilities' (PwDs) who have been included in accordance with the definition of **Rights of PwDs Act, 2016** - ***"A person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others"***
2. **Transgender Persons** - 'Transgender Persons (TGPs)' is an umbrella term used to refer to individuals who defy rigid 'binary' gender constructions. It includes persons whose gender identity, gender expression or behavior does not conform to their biological sex or who do not identify with their sex assigned at birth, it also includes *Hijras* who describe themselves as 'third gender' and may or may not identify as either 'male' or 'female'.
3. **Elderly Persons** – The policy recognizes and defines all those persons aged 60 years or above as defined by Ministry of Statistics & Programme Implementation, Govt. of India.
4. **Pregnant Women** and lactating mothers

7. Policy Guidelines for Accessible SANITATION

- (1) Structural mapping of target groups with appropriate tools.
- (2) The accessibility audit guidelines set up by Govt. of India would be used as verification protocol by Chhattisgarh Swachh Bharat Mission (Gramin).
- (3) Formulate block-wise annual action plan in order to facilitate awareness generation, sensitization construction of accessible units at all levels.
- (4) Increase social sensitivity and social sentience towards PwDs and TGPs through various public awareness programmes on their rights to water & sanitation and hygiene.
- (5) In line with the SBM guidelines, ensure construction of accessible toilet.
- (6) Ensure appropriate supply chain management of material required for accessible toilet.
- (7) International disability logo and logo for TGPs must be displayed appropriately in all accessible public and community toilets.
- (8) In addition to the guidelines provided by the Ministry of Social Justice and Ministry of Drinking Water & Sanitation, GoI, appropriate design would be created / adopted to suite the local needs and conditions in terms of topography, habitat and material availability.

8. Policy Implementation & Monitoring

- (1) SSBM(G), Chhattisgarh would be the nodal department for the policy implementation. It will implement, monitor, evaluate, analyze, conduct annual review and prepare report on implementation of accessible SANITATION including programmes related to water & sanitation facilities for PwDs and TGPs.
- (2) All the stakeholder departments in line with their respective areas of operation and based on the specified tasks would prepare the action plans along with budgetary provisions for inclusive SANITATION and execute the same within the set timeline.
- (3) Financing the inclusion component in SANITATION policy would be done by utilizing the reserved funds in the existing schemes of various govt. departments to its fullest. In addition, Public Private Partnership (PPP) model would be developed to usher the Corporate Social Responsibility (CSR) fund.
- (4) A core group of representatives of Social Welfare department, Chhattisgarh SRLM, SSBM and experts in the field would be formed. Meeting of the members of core group would be held quarterly to discuss, plan and act towards the inclusion of PwDs and TGPs in SANITATION services.

9. Roles & Responsibilities of Stakeholder Departments

State Swachh Bharat Mission (Gramin) – SSBM(G)

- (1) SSBM(G) would ensure accessible SANITATION services at the Individual Household level (wherever required) and at the community and public places.
- (2) SSBM(G) would ensure accessible SANITATION services in all inclusive and special schools.
- (3) SSBM(G) would advocate to GoI regarding increase of incentive amount to households with PwD and TGPs with disability in need of accessible toilet.
- (4) Establishment of display centre of model accessible toilet in Key Resource Centres (KRCs), Training Institutes. This centre would also have display of basic assistive technology required for PwDs.
- (5) SSBM(G) would review the SANITATION services in special schools run by Social Welfare dept. and provide assistance wherever required for maintenance of SANITATION services.
- (6) Preparation of Information, Education and Communication material on disability as well as understanding of Transgender Persons and gender variant population for its inclusion in SANITATION services would be done by SSBM(G).
- (7) SSBM(G) would prepare and include a module on accessible SANITATION in all its training and capacity building manuals.
- (8) SSBM(G) would develop universal standardized toilet model for PwDs with flexibility to adapt as per the requirement of specific category of PwD.
- (9) SSBM(G) shall carry out necessary research regarding impact assessments of inclusive SANITATION programmes and based on the results would make necessary improvements as may be required in accordance with international best practices.
- (10) SSBM(G) would undertake research on behavioral as well as inclusive design through PPP model.

Chhattisgarh State Rural Livelihoods Mission (CGSRLM)

- (1) CGSRLM would ensure the social mobilization of PwDs and TGPs through the Disabled Persons Group (DPG) and TG community network respectively.
- (2) CGSRLM would share the database on DPG profile with SSBM(G) for easy identification of households requiring accessible toilet.
- (3) SANITATION services in the special schools, community, workplaces and public places would be monitored by SHG federations formed by CGSRLM in that particular area.
- (4) CGSRLM would provide necessary capacity building to the DPGs, SHGs, village level

organizations and cluster level federations on accessible SANITATION.

- (5) CGSRLM would scale up SANITATION initiatives including accessible SANITATION in their project area by utilization of revolving fund, vulnerability reduction fund or any other fund in future which may be designated for this purpose.
- (6) Village organization would have a meeting with the Gram Panchayat representatives to discuss, plan and act to improve status of accessible SANITATION in their village.

Social Welfare Department

- (1) The State Disability Commissioner / Director, Social Welfare would play a major role in ensuring compliance for accessible SANITATION in accordance with the 2016 RPD Act.
- (2) The Department shall ensure inclusion of PwDs and TGPs in all monitoring and vigilance committee for accessible SANITATION.
- (3) The Department would assist SSBM(G) and CGSRLM in preparing a set of monitoring of all output and outcome indicators comprising all components of accessible SANITATION.
- (4) The Department would prepare a training manual for parents & care givers on accessible SANITATION.

Rural Development Department

- (1) The department would direct the Zilla Panchayats to create a fund by ensuring allocation of 5% fund of all the schemes meant for PwDs. This would be an untied fund to be utilized for the empowerment and emergency service for PwDs. An appropriate operational mechanism would be developed for this fund.
- (2) The department would create avenues for converging MGNREGA with SSBM(G) for construction of toilets that would also include accessible toilets.
- (3) The department through their portal would promote virtual sanitary marts with appropriate linkages for supply chain management by SHG federations.

List I: Barriers faced by Persons with Disability for access to SANITATION

Barriers faced by Persons with Disability for access to SANITATION	
Physical natural	- 1) Slippery pathway 2) Inadequate space inside the toilet 3) Opening / closing of door is a big question 4) No water facility inside 5) Darkness inside and outside toilet
Physical infrastructure	- 1) No separate or accessible toilets available at public place to treat PwDs equal with others 2) Public toilet having ground and upper floor with no lift facility 3) Transfer from wheelchair to toilet seat
Policy / institutional	/ 1) No mention of accessible sanitation in policy of SBM 2) Accessible toilets in schools constructed under SSA provide only ramps with no modification of the toilet either inside or outside 3) PwDs are unable to access their fundamental right to health, education as well as any kind of political participation.
Social / Cultural / Attitudinal	/ 1) Embarrassing approaching the toilet with parents / care givers 2) Privacy issue 3) CwSN particularly the girl CwSN deprived of school education due to lack of accessible toilets 4) PwDs with ASD suffer from severe insecurity feeling specially using western toilets

List II: Challenges faced by different categories of PwDs

Sr. No.	Broad Category	Disability Category	General difficulties
1)	Physical	Cerebral Palsy	1) Balancing 2) Dexterity 3) Sitting, getting up and turning 4) Finding objects 5) Disorientation of limbs 6) Extreme pain while movement 7) Changing positions 8) Insecurity feeling
2)		Haemophilia	
3)		Leprosy Cured Person	
4)		Locomotor Disability	
5)		Muscular Dystrophy	
6)		Parkinson's Disease	
7)		Multiple Sclerosis	
8)		Thalassemia	
9)		Sickle Cell Disease	
10)	Vision	Blindness	1) Total absence of vision 2) Finding objects 3) Reach out problem 4) Insecurity feeling
11)		Low Vision	
12)		Deafblindness	
13)		Multiple Disability	
14)	Intellectual & Sensory	Autism Spectrum Disorder	1) Too much excitement 2) Color threat 3) Severe insecurity feeling and fear 4) Physical problem of sitting, getting up, using of door knobs and other objects 5) Claustrophobia
15)		Intellectual Disability	
16)		Multiple Disability	

Annexure I: List of Categories of Persons with Disability

- (1) Autism Spectrum Disorder
- (2) Blindness
- (3) Cerebral Palsy
- (4) Hemophilia
- (5) Deaf
- (6) Hard of hearing
- (7) Intellectual Disability
- (8) Leprosy Cured Person
- (9) Locomotor Disability
- (10) Dwarfism
- (11) Low Vision
- (12) Mental Illness
- (13) Muscular Dystrophy
- (14) Parkinson's Disease
- (15) Multiple Sclerosis
- (16) Specific Learning Disabilities
- (17) Speech and Language Disability
- (18) Thalassemia
- (19) Sickle Cell Disease
- (20) Multiple Disability
- (21) Any other category as may be notified by the Central Government