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## Right to Pee: The Gender and Caste Privileges of Urination

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*The very fundamental right to urinate is discussed in this research paper along with the caste and gender issues that surround it. Even the lack of access to restrooms and the discrimination women experience because of it is highlighted. Even those from lower castes who work in large cities encounter difficulties when it comes to something so fundamental as the right to urinate. The government is even planning to introduce various measures so that the campaign can even spread to villages and areas where people have to face discrimination even for such a basic and fundamental human right. To advocate for the right to urinate movement, numerous organizations and movements have been launched with the primary goal of providing adequate, clean, and safe bathrooms for all genders.*

**Keywords:** *dignity, privileges, human rights, public interest litigation, micro violence.*

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### INTRODUCTION

To achieve the aim of ensuring the human dignity of every individual on our planet by maintaining a suitable standard of living for everyone, it is imperative to keep in mind that the right to water and sanitation is a fundamental human right. Several international treaties and political agreements recognize and affirm the right to sanitary conditions. In 2010, the UN recognized access to water and sanitary facilities as a human right. It was further emphasized that they are necessary for the realization of all human rights. According to human rights

standards, toilets must be plentiful, physically accessible, safe, affordable, made for everyone to use, suited for all genders, and created with all cultures in mind. 193 Nations 2015 adopted the sustainable development goals (SDG) according to which everyone should have access to sanitary conditions that are suitable and equitable by the year 2030. This goal places particular emphasis on the needs of women, girls, and people in vulnerable situations.

## WOMEN'S RIGHT TO TOILETS

The most fundamental human right that one can think of is the ability to urinate. In the Indian context, certain women are denied this essential but significant freedom, exposing the symbols of gendered and caste privileges that exist in our "modern" society. A Dasra survey claims that 63 million teenage females in India lack access to private restrooms. According to the survey, Indian women and girls hold onto their urine on average for 13 hours each day, which can cause infections of the bladder and kidneys. Women professors and other feminist organizations have been writing extensively on women and how to educate them about their rights for a very long time.

Shilpa Phadka draws attention to the lack of female freedom in metropolitan public spaces in her book "Why loiter<sup>1</sup>," which also illustrates the dangers that women must endure in daily life. She also presents one of the key problems. She discusses the issue of public restrooms, one of the main factors contributing to the lack of safety for women in the city.<sup>2</sup> Her research and studies also demonstrate how Mumbai's public restrooms for women are insufficient, inaccessible, and situated in the wrong places. One of the examples of how activists have strived to make their voices heard in the face of human rights violations of women's dignity, health, and freedom in public spaces is the Right to Pee movement, which acknowledges the lack of secure and sanitary public urinals in Mumbai city.

For nine years, the movement has pushed Mumbai's municipal sanitation partners to provide appropriate public urinals for women. The "Don't Hold it in" campaign, which calls for equal

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<sup>1</sup> Shilpa Phadka & Ors, *Why loiter?* (8th edn, Penguin Book Publishing 2018)

<sup>2</sup> *Ibid*

and sufficient access for women to public facilities in cities was promptly launched by the Hyderabad Urban Lab sparking other efforts to raise awareness of women's sanitation issues<sup>3</sup>. This shows how activists across the nation have actively started the right to pee movement and even the locals are supporting them in most of the states.

In Warangal, Telangana, a similar study that examined women's access to public restrooms in 2017 revealed that the only women who occasionally and unavoidably used them were those who worked in the public sector; that is, women from lower socioeconomic backgrounds who lack access to restrooms at work.<sup>4</sup> Additionally, domestic employees are made to feel as though accepting less favourable working conditions is against their rights and that this is their fate.<sup>5</sup> These instances of micro violence are supported by employers from upper castes who believe that people from lower castes are "unhygienic" and which are founded on caste-based cultural traditions of purity and pollution. As the "unclean" tasks, like cleaning the bathroom, are delegated to persons from lower castes, caste becomes a significant factor in the social hierarchy. They are vulnerable because domestic workers are disproportionately women and because of caste-related exclusions. Domestic workers frequently struggle to be treated with decency, even for something as simple as the need to urinate, while having a legal right to live in the city.<sup>6</sup> Giving practically all genders access to this fundamental human right is therefore crucial if they are to live lives of dignity.

## IMPACT ON PHYSICAL AND MENTAL HEALTH

Recent studies have amply demonstrated that in the majority of metropolitan cities, employees frequently find themselves in embarrassing situations when they would like to control their urination rather than ask their employer to use the facilities. It can be mentally taxing for someone to have to adjust their body to have fewer opportunities to urinate, fewer times during the day to urinate, fewer liquids to manage their urination, and fewer places to urinate.

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<sup>3</sup> India News, 'Right to Pee: Mumbai women want men to join their fight' (*Hindustan Times*, 10 March 2016) <<https://www.hindustantimes.com/india/right-to-pee-mumbai-women-want-men-to-join-their-fight/story-MxpDVda6LTqLTWXhXucwPK.html>> accessed 10 July 2022

<sup>4</sup> *Ibid*

<sup>5</sup> *Ibid*

<sup>6</sup> *Ibid*

According to studies, holding pee for extended periods increases psychological stress levels and the degree of urgency, which frequently results in bladder discomfort sensations that worsen with time. Health professionals claim that voluntary urine suppression and restricted liquid intake can result in complications like dehydration, cystitis, urinary tract infections, chronic kidney diseases, urinary incontinence, and in severe cases, bladder ruptures, endangering the physical health of the individual.

In the case of *Milun Saryajani v Pune Municipal Corporation*,<sup>7</sup> NGOs were urged to knock on the court's doors.<sup>8</sup> They presented a Public Interest Litigation (PIL) to the Bombay High Court by Article 226 of the Indian Constitution<sup>9</sup>. The concerns raised concerns about health and women's rights to clean, sanitary public restrooms at diverse locations.<sup>10</sup> The petitioners<sup>11</sup> said that women are compelled to hold in their urine for long periods because there are no public restrooms specifically for women, or restrooms exist but are inaccessible owing to safety issues,<sup>12</sup> geographic limitations, or unclean conditions. Many women don't drink the recommended amount of water each day because they don't want to use unsanitary facilities. This affects their health, increasing their risk of urinary tract infections, prolapsed bladders, involuntary pee release, etc.

The High Court<sup>13</sup> agreed that Toilet difficulties impact all users, but more particularly women, and accepted the medical research tying these conditions to the postponement of urination. The Court continued by declaring that everyone's health and well-being in society benefit from having clean public restrooms. It even stated that Women require these amenities in public locations, such as train stations, bus stops, banks, and government offices, such as state and municipal offices. It is the responsibility of the State and Corporations to ensure that public restrooms, urinals, and similar conveniences are built, maintained, and kept in a hygienic

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<sup>7</sup> *Milun Saryajani v Pune Municipal Corporation & Ors* [2015] HC

<sup>8</sup> *Ibid*

<sup>9</sup> Constitution of India, art 226

<sup>10</sup> *Ibid*

<sup>11</sup> *Milun* (n 7)

<sup>12</sup> *Ibid*

<sup>13</sup> *Ibid*

condition because public health is of the utmost significance. During menstruation, the urge for the restroom is felt considerably more strongly.

The Court<sup>14</sup> mainly relied on the broad application of Article 21<sup>15</sup> (protection of life and liberty) and Article 47<sup>16</sup> in reaching this result (Duty to improve public health and raise the standard of living, nutrition, and living conditions). The right to live with dignity and all other basic needs, such as sufficient food, clothing, and medical care, have been added to Article 21<sup>17</sup> by the Indian Supreme Court. It referred to a ruling by the Apex Court,<sup>18</sup> which stated that public health is of great priority – possibly the one at the top and that the maintenance and improvement of public health are necessary.<sup>19</sup> The High Court then went on to provide specific instructions on several conditions that must be met to realize these rights, such as the availability of water and electricity<sup>20</sup>; cleanliness and odour control, security, tampon, and sanitary napkin dispensers and disposal bins, accommodations for the disabled, cleaning supplies, signs designating the location of public washrooms; publicity regarding the availability of public restrooms for women; and so forth. What becomes clear is that women in India have a fundamental right to safe and clean restrooms in any convenient location. This acknowledges their right to live in dignity as people.

*An organization in Nagpur initiates the "Right to Pee" campaign for sanitary facilities:*

On December 30, the Nagpur Inhabitants Forum launched the "Right to Pee" campaign<sup>21</sup> to call for the provision of free, hygienic restrooms for all citizens. According to information, Nagpur does not have enough public restrooms given its size. Since there is no upkeep or repair, the few available restrooms are in terrible shape.<sup>22</sup> The forum asserted that there are also not enough

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<sup>14</sup> *Ibid*

<sup>15</sup> Constitution of India, art 21

<sup>16</sup> Constitution of India, art 47

<sup>17</sup> Constitution of India, art 21

<sup>18</sup> *Milun* (n 7)

<sup>19</sup> *Ibid*

<sup>20</sup> *Ibid*

<sup>21</sup> Proshun Chakraborty, 'Citizens' Forum launches 'Right to Pee' campaign' (*Times of India*, 29 December 2021) <<https://timesofindia.indiatimes.com/city/nagpur/citizens-forum-launches-right-to-pee-campaign/articleshow/88553362.cms>> accessed 10 July 2022

<sup>22</sup> *Ibid*

restrooms in significant markets like Sitabardi, Mahal, and Itwari, which causes discomfort for the populace. The shortage of restrooms is hurting women and girls who labour in this industry. Locals were of the view that the city of Nagpur, which is growing into a metropolis, needs sanitary amenities.

"The Nagpur Citizens Forum has started the 'Right to Pee' campaign, which involves surveying public urinals and restrooms. The forum members are investigating the matter by using the restrooms that are available across the city. A real report will be created using the data from this survey and hence that will be utilised later for developmental purposes.<sup>23</sup> The campaign is also looking into the restroom complaints made by women who work in stores and offices. "A signature drive has been started, and a significant number of citizens are signing. Through this iconic campaign, the need for sanitary facilities that are safe, free, and plentiful is being raised. The first stage of this campaign, he continued, is the "awareness, referendum, and signature campaign."

The Nagpur Citizens Forum has established a group to investigate sanitation and restroom options in other cities. According to one of the participants, the Nagpur Municipal Corporation will receive a report detailing the work that has been done in the cities where this kind of directional work has been done. Thus, this demonstrates that the right to urinate campaign has greatly increased in popularity, and activists as well as locals have begun to pay attention to the activity.

## **CORO'S RIGHT TO PEE**

*Only one in three public toilet seats in Mumbai are reserved for women.*

This demonstrates how terrible the restroom situation is in Mumbai and how it is also a problem in other Indian cities. Therefore, it is imperative to take action to increase the number of bathrooms in the nation, as well as to ensure that these bathrooms are appropriate and secure enough for women to use. Numerous movements and efforts to look into this issue have been

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<sup>23</sup> *Ibid*

launched during the last two years. One such initiative, CORO<sup>24</sup>, was founded in Mumbai with the primary objective of providing women in Mumbai with free, clean, and secure public urinals.<sup>25</sup> Women in the city not only use fewer restrooms overall, but they also spend more each visit than men.<sup>26</sup> Additionally, public restrooms frequently lack proper sanitation and are dangerous. When it comes to these fundamental violations of equal rights to dignity, health, and access to public space,<sup>27</sup> the system stakeholders accountable for urban sanitation are typically indifferent, if not dismissive.<sup>28</sup> Funding partners for the Right to Pee initiative in Mumbai include Cigna Foundation and UNICEF India.<sup>29</sup> Right to Pee is dedicated to addressing the callous system and working with the government to bring about significant change as a united front of activists.<sup>30</sup>

## CONCLUSION

Thus, given the aforementioned research and analysis of how the right to urinate has gender and caste privileges, it can be seen that women often have trouble obtaining a clean and safe bathroom, exposing the risks they face daily. Most bathrooms are either unclean or located in dangerous areas. This somehow has an effect on women's independence, health, and dignity in public settings. Even the lower caste has to face the same problem where they are discriminated against for using the washrooms because of caste-related issues. Numerous initiatives and organizations have been launched to look into the issue and provide a sufficient number of clean, safe bathrooms in the country. To fulfill the objective of providing the country with the required number of bathrooms, these movements and campaigns must be broadly distributed, including in remote areas.

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<sup>24</sup> Harsharan Bakshi, 'Women demand 'Right to Pee' (*The Hindu*, 18 November 2017) <<https://www.thehindu.com/news/cities/mumbai/women-demand-right-to-pee/article20547110.ece>> accessed 10 July 2022

<sup>25</sup> *Ibid*

<sup>26</sup> Proshun (n 21)

<sup>27</sup> *Ibid*

<sup>28</sup> Harsharan (n 24)

<sup>29</sup> *Ibid*

<sup>30</sup> *Ibid*