
WATER AND GENDER EQUALITY IN INDIA: CONSTITUTIONAL IMPERATIVES, JUDICIAL DISCOURSE, AND THE STRUGGLE FOR DIGNITY IN ACCESS TO WATER AND SANITATION

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ABSTRACT

Access to safe water and sanitation is not a privilege of civic convenience—it is a prerequisite of human dignity and a condition for substantive gender equality. In India, the burden of water insecurity falls disproportionately on women, intersecting with caste, poverty, geography, and social marginalisation to produce acute and enduring deprivation. This article undertakes a doctrinal and analytical examination of the constitutional, judicial, statutory, and international legal frameworks governing access to water and sanitation, with particular attention to the gendered dimensions of that access. Drawing on the expansive interpretation of Article 21 of the Constitution of India, relevant judicial precedents, and authoritative policy documents, the article argues that the right to water—specifically as it relates to menstrual hygiene, privacy, bodily integrity, and safety—is an inalienable facet of the right to life with dignity. The article further examines structural and institutional failures that impede realisation of this right and offers recommendations for transformative, gender-sensitive governance. It contends that the gap between constitutional promise and empirical reality demands not merely doctrinal elaboration but urgent institutional reform of a systemic character.

Keywords: Water rights; Article 21; gender equality; menstrual hygiene management; sanitation; Swachh Bharat Mission; Jal Jeevan Mission; CEDAW; SDG 6; intersectionality.

I. INTRODUCTION

Water is the most elemental condition of biological existence. Yet for approximately 600 million people across India, access to safe drinking water remains unreliable.¹ For tens of millions of women, the absence of safe sanitation facilities transforms every ordinary day into an exercise in vulnerability. A woman compelled to walk several kilometres before dawn to collect water, or to wait until darkness to attend to basic bodily functions in an open field, experiences not merely inconvenience but a structured negation of her dignity, safety, and autonomy. The law cannot remain indifferent to this reality—and yet, as this article demonstrates, it has too often done precisely that.

India is home to the largest number of people practising open defecation in the world. The National Family Health Survey (NFHS-5, 2019–21) recorded that even where sanitation infrastructure has improved materially, access remains uneven, with rural women, Scheduled Caste and Scheduled Tribe households, and economically marginalised communities bearing the heaviest burden.² The consequences extend beyond hygiene. Women who lack access to private toilet facilities face harassment, sexual assault, and social humiliation. Girls who have no access to menstrual hygiene facilities in schools drop out disproportionately upon reaching puberty, severing their access to education and, by extension, to economic participation and civic agency.³

This article situates these lived realities within a rigorous constitutional and legal framework. It argues that access to water and sanitation—particularly for the purposes of menstrual hygiene, personal safety, and bodily privacy—is not a matter of welfare or charity, but of fundamental right. The Constitution of India, as interpreted by a jurisprudentially expansive Supreme Court, provides robust textual and doctrinal ground for this claim. International human rights obligations reinforce it. The challenge, this article contends, lies not primarily in the law but in its enforcement, its institutional translation, and its alignment with gender-sensitive governance.

¹Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-5) 2019–21: India Report* (MoHFW 2022).

²UNICEF India, *Water, Sanitation and Hygiene: Menstrual Hygiene in Schools* (UNICEF 2019).

³National Sample Survey Office, 'Drinking Water, Sanitation, Hygiene and Housing Condition in India' (71st Round, 2015) (NSSO 2015).

II. CONTEXTUAL BACKGROUND: THE GENDERED BURDEN OF WATER DEPRIVATION

A. Water Collection as Gendered Labour

Water collection in India is overwhelmingly gendered work. The National Sample Survey Organisation (NSSO) and multiple district-level studies have consistently documented that, in rural households without piped water access, women and girls are responsible for water collection in over 70 per cent of cases.⁴ The average time spent on this task—often exceeding four to five hours daily in water-stressed regions—constitutes what economists term 'time poverty'. This time is extracted from activities that might otherwise be productive, educational, or restorative; it functions, in sum, as an invisible tax levied predominantly on women by a failure of public infrastructure.

The physical consequences of water-carrying compound the temporal cost. Women in states such as Rajasthan, Madhya Pradesh, and Bundelkhand have reported carrying loads of twenty to thirty kilograms over distances of three to five kilometres.⁵ This is not the incidental hardship of rural life; it is a structural deprivation that impairs health, limits agency, and reproduces patterns of inequality across generations. A girl who carries water instead of attending school does not merely miss a day of education; she is diverted from a pathway that the Constitution of India, through its directive principles and fundamental rights, guarantees to her.

B. Sanitation, Safety, and Women's Dignity

The absence of household and community-level toilet facilities creates conditions that are particularly dangerous for women and girls. The practice of open defecation—still prevalent in significant parts of rural India despite the Swachh Bharat Mission—requires women to leave the safety of their homes in the early morning or late evening hours to seek darkness and privacy.⁶ In this liminal space, women are exposed to physical assault, sexual violence, and social stigma. Reports documented by the National Crime Records Bureau, as well as by non-governmental organisations such as WaterAid and WASH United, confirm a consistent correlation between the absence of sanitation infrastructure and the incidence of gender-based

⁴WaterAid India, 'Tapped Out: Threats to the Right to Water and Sanitation in India' (WaterAid 2016).

⁵Ministry of Drinking Water and Sanitation, *Annual Report 2020–21* (GoI 2021).

⁶National Crime Records Bureau, *Crime in India* (NCRB 2022).

violence in rural areas.⁷

The 2014 gang rape and murder of two adolescent girls in Badaun, Uttar Pradesh—who had gone out at night because their household had no toilet—brought this connection into acute national and international focus. The case was not an aberration. It represented the lethal intersection of infrastructural neglect and gendered vulnerability, and it compelled renewed policy and judicial attention to sanitation as a matter of women's safety rather than merely public health. For adolescent girls and women, the lack of menstrual hygiene facilities in schools, workplaces, and public spaces adds a further dimension of exclusion and indignity. Research by the Ministry of Education and UNICEF indicates that school dropout rates among adolescent girls spike sharply at puberty in districts where separate, functional toilet facilities are absent.⁸

III. CONSTITUTIONAL FRAMEWORK: WATER, DIGNITY, AND GENDER EQUALITY

A. Water as a Constitutional Right: The Article 21 Trajectory

In India, water does not appear as an enumerated fundamental right in Part III of the Constitution of India (1950). However, through the doctrine of expansive interpretation developed by the Supreme Court in relation to Article 21, the right to water has been progressively and firmly situated within the constitutional framework. This doctrinal development rests on the recognition, first authoritatively stated in *Maneka Gandhi v Union of India*,⁹ that life in the constitutional sense is not mere biological survival but encompasses the conditions necessary for a life of dignity, health, and agency.

The Court in *Maneka Gandhi* overruled the narrow procedural reading of Article 21 established in *AK Gopalan v State of Madras*¹⁰ and held that the right to life encompasses the right to live with human dignity. This foundational reorientation opened the constitutional door to a cascade of implied rights that the Court has articulated in the decades since: the right to a clean environment, the right to health, the right to education, the right to privacy, the right to shelter, and—of direct relevance here—the right to water and sanitation. Rights implied by Article 21 must be such that their denial would render life meaningless or undignified; on this test, access

⁷UNICEF India, 'Water, Sanitation and Hygiene in Schools' (UNICEF 2019).

⁸*Maneka Gandhi v Union of India* [1978] 1 SCC 248.

⁹*AK Gopalan v State of Madras* AIR 1950 SC 27.

¹⁰*State of Kerala v NM Thomas* [1976] 2 SCC 310; *Indra Sawhney v Union of India* AIR 1993 SC 477.

to safe water clears the threshold with little difficulty. A review of the case law, however, reveals that the doctrinal articulation of water rights has outpaced their institutional realisation—a gap that is both the central problem and the central argument of this article.

B. Gender Equality Under Articles 14, 15, and 21

The Constitution of India provides a tripartite guaranty that is directly relevant to gendered access to water and sanitation. Article 14 guarantees equality before the law and the equal protection of the laws. Article 15 prohibits discrimination on the grounds of sex, and by Article 15(3), permits the State to make special provisions for women and children. The guarantee of equality under Articles 14 and 15 is substantive, not merely formal. The Supreme Court has consistently held that equality law in India must be understood in its transformative dimension—it requires not the identical treatment of individuals but the dismantling of structures that produce and perpetuate inequality.¹¹ Where access to water and sanitation systematically disadvantages women relative to men, this constitutes a form of de facto discrimination that the State is constitutionally obliged to remedy.

The international law overlay reinforces this analysis. The United Nations Committee on Economic, Social and Cultural Rights in General Comment No 15 (2002)¹² authoritatively declared that the human right to water is implicitly contained within Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. The UN General Assembly and the Human Rights Council explicitly recognised the right to safe and clean drinking water and sanitation as a human right in Resolutions A/RES/64/292 (2010) and A/HRC/RES/15/9 (2010) respectively.¹³ India, as a State party to the ICESCR and as a member of the UN General Assembly that voted in favour of these resolutions, is bound in its international obligations to operationalise these rights in a gender-sensitive manner.

IV. JUDICIAL ANALYSIS

A. The Water-Rights Jurisprudence

The Supreme Court of India took an early and decisive step toward recognising the right to

¹¹UN Committee on Economic, Social and Cultural Rights, General Comment No 15: The Right to Water (2002) E/C.12/2002/11.

¹²UN General Assembly Resolution A/RES/64/292 (28 July 2010); Human Rights Council Resolution A/HRC/RES/15/9 (30 September 2010).

¹³Subhash Kumar v State of Bihar AIR 1991 SC 420.

water in *Subhash Kumar v State of Bihar*,¹⁴ where it held that the right to life guaranteed by Article 21 includes the right to the enjoyment of pollution-free water and air for the full enjoyment of life. While the case arose in the context of water pollution, its broader doctrinal implications—that the quality and accessibility of water bears directly on the constitutional right to life—have been elaborated in subsequent cases. In *Narmada Bachao Andolan v Union of India*,¹⁵ the Supreme Court addressed the complex interplay between large-scale water infrastructure projects and the displacement of vulnerable communities, including women and tribal persons. The Court acknowledged that access to water and the disruption thereof had profound constitutional significance for affected populations, particularly those most dependent on traditional water sources.

The *National Legal Services Authority v Union of India*¹⁶ judgment, while primarily concerned with transgender rights, contributed importantly to the jurisprudential lexicon of dignity-based rights under Article 21. The Court's articulation of bodily autonomy and self-determination as elements of dignity informs, by analogy, a constitutional argument for menstrual dignity and privacy—the right of a woman to manage her body's natural processes in conditions of safety and hygiene. The reviewer observes that the Court has thus far not translated this analogy into an explicit and binding ruling on menstrual sanitation rights; that doctrinal step remains to be taken, and its absence represents a significant lacuna in the jurisprudence.

B. Privacy, Bodily Integrity, and the Puttaswamy Implications

The Supreme Court's nine-judge bench decision in *Justice KS Puttaswamy (Retd) v Union of India*¹⁷ constitutes perhaps the most significant post-independence expansion of Article 21 jurisprudence. The Court unanimously held that privacy is a fundamental right under the Constitution of India, encompassing informational privacy, spatial privacy, and decisional autonomy. Of particular relevance for the present discussion is the Court's recognition that privacy extends to bodily integrity—the right of an individual to be free from unwanted physical intrusion and to manage their own bodily processes with dignity and autonomy.

The implications of *Puttaswamy* for menstrual hygiene and sanitation rights are profound, though as yet not fully elaborated by the courts. A woman who lacks access to a private

¹⁴Narmada Bachao Andolan v Union of India [2000] 10 SCC 664.

¹⁵National Legal Services Authority v Union of India [2014] 5 SCC 438.

¹⁶Justice KS Puttaswamy (Retd) v Union of India [2017] 10 SCC 1.

¹⁷Sanitation conditions in government schools, PIL proceedings, Allahabad High Court (2018–19) (unreported).

sanitation facility, who cannot manage her menstruation with safety and hygiene, or who is compelled to expose herself to address basic bodily needs, is not merely inconvenienced—her bodily integrity and privacy are structurally violated by the failure of the State to provide basic infrastructure. The constitutional obligation that emerges from *Puttaswamy*, read with *Maneka Gandhi* and *Subhash Kumar*, is clear in principle: the State's provision of public infrastructure must not systematically impair the privacy and bodily integrity of any class of persons—and where infrastructure failure is gendered in its effects, the constitutional imperative is correspondingly stronger.

C. Sanitation, Education, and the Article 21-A Nexus

In the domain of school sanitation, courts have begun to acknowledge the connection between the absence of functional, sex-segregated toilet facilities and the constitutional right to free and compulsory education under Article 21-A, inserted by the Eighty-Sixth Amendment Act of 2002. The Allahabad High Court, in proceedings relating to sanitation conditions in government schools,¹⁸ directed that the absence of functional, sex-segregated toilets in government schools constituted a violation of the constitutional right to education read with the right to dignity under Article 21, and ordered urgent remediation. These decisions, while significant at the State level, have not produced a consolidating Supreme Court ruling that definitively establishes the integrated right of a girl to education, sanitation, and menstrual dignity as an enforceable constitutional cluster. This is an important gap that merits direct judicial address.

The *Sabarimala* decision in *Indian Young Lawyers Association v State of Kerala*,¹⁹ while concerned with religious exclusion on grounds of menstruation, contributed to the jurisprudential vocabulary of menstrual dignity as a constitutionally protected interest. The majority's holding that social and religious practices discriminating against women on the basis of menstruation offend constitutional guarantees of equality and dignity is a ruling with implications well beyond its immediate context: it implicitly affirms that menstruation is not a source of disability or shame but a natural biological process, the management of which the State is obliged to support rather than stigmatise through infrastructural neglect.

¹⁸Indian Young Lawyers Association v State of Kerala [2019] 11 SCC 1.

¹⁹Comptroller and Auditor General of India, *Report on Swachh Bharat Mission (Gramin)*, Report No 38 of 2020 (CAG 2020).

V. STATUTORY AND POLICY FRAMEWORK: PROMISE AND PERFORMANCE

A. Swachh Bharat Mission: A Critical Gender Assessment

The Swachh Bharat Mission (SBM), launched in 2014 with a stated target of achieving universal open-defecation-free status by October 2019, represented the most ambitious sanitation programme in Indian history. By 2020, the government reported the construction of over 100 million household toilets. However, the quality, functionality, and sustained use of these facilities have been subject to serious scrutiny by independent researchers, parliamentary committees, and the Comptroller and Auditor General of India.²⁰

Independent surveys by the National Statistical Office's ODF verification studies have found that many declared Open-Defecation-Free villages continue to witness open defecation due to dysfunctional toilets, lack of water connectivity, and entrenched social habits.²¹ The SBM's gender dimension is visible in its messaging—'No toilet, no bride'—which sought to leverage social norms around marriage to incentivise toilet construction. While this generated momentum, it also illustrated the programme's fundamental limitations: it addressed toilet availability primarily as a household commodity and social incentive rather than as a matter of women's constitutional rights. A toilet without water is not a sanitation facility for a woman managing her menstrual health; it is a dysfunctional structure that forecloses the very rights it was ostensibly designed to protect.

B. Jal Jeevan Mission and the Substantive Access Question

The Jal Jeevan Mission (JJM), launched in 2019 with a target of providing functional household tap connections to all rural households by 2024, represents a significant policy commitment to the right to water in its most domestic and personal dimension. The Mission's guidelines explicitly acknowledge women as primary stakeholders in water security and mandate the inclusion of women in Village Water and Sanitation Committees.²²

However, the gender-transformative potential of the JJM is contingent on more than the physical provision of tap connections. Water quality, continuity of supply, local governance

²⁰National Statistical Office, 'NSS 76th Round: Drinking Water, Sanitation, Hygiene and Housing Condition in India' (NSO 2019).

²¹Department of Drinking Water and Sanitation, *Jal Jeevan Mission Operational Guidelines (revised 2021)* (DDWS 2021).

²²Government of India, *National Water Policy 2012* (Ministry of Water Resources 2012).

participation, and the complementary provision of sanitation and menstrual hygiene infrastructure must accompany piped water access if the Mission is to fulfil its constitutional promise. Districts reporting high piped water connectivity but poor water quality due to arsenic, fluoride, and nitrate contamination in parts of Bihar, Rajasthan, and West Bengal illustrate that the formal provision of infrastructure does not automatically translate into the substantive enjoyment of the right to safe water. The National Water Policy (2012)²³ while acknowledging water as a 'basic human need', remains under-developed in its gender perspective: there is no explicit provision for gender-differentiated data collection or gender-responsive allocation.

VI. INTERNATIONAL LAW DIMENSION

A. CEDAW Obligations and India's Compliance Deficit

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by India in 1993,²⁴ imposes binding international obligations relevant to water and sanitation access. Article 14(2)(h) of CEDAW specifically requires State parties to ensure that rural women enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity, and water supply. This provision constitutes an express textual obligation on India to ensure gendered access to water and sanitation in rural areas—an obligation that coexists with, and reinforces, the constitutional imperatives identified in Part III of the Constitution.

CEDAW Committee General Recommendation No 34 (2016) on the rights of rural women²⁵ elaborates on Article 14(2)(h), emphasising that States must collect sex-disaggregated data on access to water and sanitation, address discriminatory social norms that result in women bearing disproportionate water burdens, and ensure women's substantive participation in water governance bodies. India's periodic reports to the CEDAW Committee have acknowledged progress in sanitation infrastructure but have been criticised by the Committee for insufficient attention to quality, functionality, and the specific needs of menstruating women and girls. This represents a reportable gap between formal compliance—the construction of latrines and the

²³Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, ratified by India 9 July 1993.

²⁴CEDAW Committee, General Recommendation No 34 on the Rights of Rural Women, CEDAW/C/GC/34 (2016).

²⁵UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (2015).

enactment of missions—and substantive compliance: the structural transformation of water-sanitation governance in a gender-just direction.

B. SDG 5, SDG 6, and the Accountability Architecture

The 2030 Agenda for Sustainable Development²⁶ incorporates two goals of particular relevance. SDG 6 commits to ensuring availability and sustainable management of water and sanitation for all, with Target 6.2 specifically requiring access to adequate and equitable sanitation and hygiene for all, with special attention to the needs of women and girls and those in vulnerable situations, and ending open defecation. SDG 5 commits to achieving gender equality and empowering all women and girls. The UN Special Rapporteur on Human Rights to Water and Sanitation has consistently highlighted menstrual hygiene as a distinct element of the human right to sanitation, requiring not merely toilet access but privacy, water, hygiene products, and a stigma-free environment.²⁷

India's Voluntary National Review reports to the High-Level Political Forum have cited substantial progress on SDG 6 targets, pointing to the Swachh Bharat Mission and Jal Jeevan Mission as evidence of commitment. However, independent assessments have raised concerns about data reliability, the quality-functionality gap in sanitation infrastructure, and the persistent failure to mainstream gender across water sector planning and budgeting. The comparative constitutional experience of South Africa—where the Constitutional Court in *Government of the Republic of South Africa v Grootboom*²⁸ developed a jurisprudence of progressive realisation of socio-economic rights—and the water governance innovations of Bangladesh, Nepal, and Kenya, which have integrated gender mainstreaming into statutory water frameworks, offer constructive models for reform that India has been slow to adopt.

VII. INTERSECTIONALITY: CASTE, POVERTY, AND COMPOUNDED DEPRIVATION

The water-sanitation-gender crisis in India cannot be disaggregated from caste. Women

²⁶UN Special Rapporteur on Human Rights to Water and Sanitation, Thematic Report on Menstrual Hygiene Management, A/HRC/30/39 (2015).

²⁷Government of the Republic of South Africa and Others v Grootboom and Others 2001 (1) SA 46 (CC) (South Africa).

²⁸Savita Bhatt, 'Dalit Women and the Right to Sanitation: An Intersectional Analysis' (2021) 14 *Journal of Human Rights in India* 112; Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-5) 2019–21: India Report* (MoHFW 2022) (SC/ST disaggregated data).

belonging to Scheduled Castes are disproportionately represented among those without toilet access, without safe drinking water, and without functional menstrual hygiene infrastructure. This reflects the operation of caste-based spatial segregation that confines Dalit communities to peripheral settlements with inadequate civic infrastructure, and social norms that exclude Dalit women from using shared sanitation facilities even where these exist.²⁹

The intersectional disadvantage experienced by Dalit women—facing simultaneous marginalisation on grounds of sex, caste, and often poverty—illustrates the limitations of a single-axis analysis of water inequality. Constitutional guarantees of gender equality are insufficient if they are not attentive to the ways in which caste amplifies gender-based deprivation. An effective constitutional and policy response must be intersectional in its diagnosis and in its remedies. The frameworks established under the Fifth and Sixth Schedules of the Constitution, the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA), and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 provide some legal infrastructure for the protection of tribal communities' water rights, but implementation remains profoundly inadequate. The specific water and sanitation needs of tribal women, who are often more remote from public infrastructure and less able to access grievance redress mechanisms, are not adequately addressed in the current framework.

VIII. RECOMMENDATIONS

A. Constitutional and Statutory Reform

The most far-reaching reform would be the express constitutional recognition of the right to water and sanitation as a fundamental right, either through a constitutional amendment inserting a new provision in Part III or through a definitive Supreme Court ruling that authoritatively declares the right to safe water and sanitation—including the specific dimensions of menstrual hygiene, privacy, and safety for women—as an enforceable component of Article 21. The latter course is more immediately achievable and would build on strong doctrinal foundations. A constitutional amendment of the character of Article 21-A (right to education) would, however, provide greater legislative anchoring and budgetary commitment.

²⁹Water and Sanitation for the Urban Poor (WSUP), 'Women in Water and Sanitation Governance: Evidence from Sub-Saharan Africa and South Asia' (WSUP 2020).

At the statutory level, a comprehensive Water and Sanitation Rights Act should be enacted, drawing on the model of the Right of Children to Free and Compulsory Education Act 2009, to give concrete, justiciable content to the constitutional right. Such a statute should define minimum standards of safe water provision and sanitation that are cognisant of women's distinct needs; establish accountability mechanisms with time-bound obligations on authorities; provide for grievance redress through an accessible, decentralised institutional architecture; and mandate gender-disaggregated data collection and public reporting. The critical deficiency of gender-disaggregated data in India's administrative systems must be remedied at the level of statutory obligation—it is not merely a statistical gap but an accountability failure with direct constitutional implications.

B. Gender Budgeting, Participatory Governance, and Menstrual Hygiene

Gender budgeting—the analysis and design of public budgets to ensure that resource allocation addresses women's specific needs—must be systematically applied to water and sanitation expenditure. The Ministry of Jal Shakti should be required to produce gender-disaggregated budget statements for all major water and sanitation programmes, indicating specifically what proportion of expenditure is directed toward women's-specific infrastructure and what gender outcomes are targeted and measured. Gender budgeting should be cascaded to State and local governance levels, with Panchayati Raj institutions required to allocate a defined share of their water and sanitation budgets to women's-specific infrastructure and to demonstrate community consultation with women in their planning processes.

Evidence from India and internationally demonstrates that water and sanitation programmes with meaningful community participation—and specifically, with women's substantive (not merely nominal) participation in planning, implementation, and monitoring—achieve significantly better outcomes in terms of functionality, sustainability, and responsiveness to women's needs.³⁰ A dedicated national policy on menstrual hygiene management should be enacted, mandating the provision of safe, private, functional menstrual hygiene facilities in all government schools, workplaces, public buildings, and places of public gathering, and guaranteeing access to affordable or subsidised sanitary products for women below the poverty line.

³⁰Unni Krishnan v State of Andhra Pradesh [1993] 1 SCC 645.

C. An Independent Accountability Commission

The enforceability of rights requires credible accountability mechanisms. An independent National Water and Sanitation Rights Commission—analogueous to the National Human Rights Commission or the National Commission for Women—should be established with a statutory mandate to monitor compliance with the right to safe water and sanitation, receive and adjudicate complaints, conduct inspections of infrastructure, and report to Parliament. The Commission should be required to adopt a gender-mainstreamed approach and to disaggregate all its data and findings by sex, caste, and geography. Judicial accountability through public interest litigation has played an important role in this domain but is a reactive, episodic, and resource-intensive mechanism. It cannot substitute for proactive, systematic administrative accountability.

IX. CONCLUSION

Water is not a commodity. For women across India—the woman who walks four miles before dawn to the village well, the adolescent girl who stops attending school when her menstruation begins, the woman in Badaun who must choose between darkness and danger—water is the precondition of dignity. Its absence, or the absence of the infrastructure that makes its use safe and private, is an assault on the constitutional right to life that the Supreme Court of India has laboured, across decades of expanding jurisprudence, to make real.

The constitutional architecture available to address this crisis is formidable. Article 21, as elaborated through *Maneka Gandhi*, *Subhash Kumar*, *Puttaswamy*, and their progeny, encompasses the right to safe water, sanitation, privacy, bodily integrity, and dignity. Articles 14 and 15 mandate substantive equality and permit—indeed require—affirmative measures to address the structural disadvantages that women face. The Directive Principles, read with enforceable fundamental rights through the harmonising doctrine established in *Unni Krishnan v State of Andhra Pradesh*, constitute a clear constitutional mandate for the State to ensure that every woman in India has access to safe water and sanitation that meets her health, safety, privacy, and dignity needs.

The challenge is not primarily doctrinal; it is institutional, financial, political, and cultural. The gap between constitutional promise and empirical reality is a measure of the unfinished work of Indian constitutionalism. Closing that gap requires transformative governance: governance

that is gender-sensitive in its design, intersectional in its awareness, participatory in its method, accountable in its administration, and rights-oriented in its motivation. The constitutional promise of India is measured, among other things, by whether a woman in rural India can manage her menstruation with privacy, whether a girl can attend school without fear of humiliation, and whether a woman can attend to basic bodily functions without risking her life. The law has said enough. The task now is governance worthy of the Constitution.

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