

10.12.2020
item No. 18
Ct. No.16
Saswata

WPA 5317 of 2020
Atanu Chatterjee
-vs-
State of West Bengal & ors.
(via video conference)

Mr. Sabyasachi Chatterjee
... For petitioner

Mr. Alok Ghosh
Mr. D. Chakraborty
... for the KMC

This matter is of some importance. The petitioner complains of a pay-and-use toilet being set up in a children's park at Bijoygarh in ward no. 98.

It is submitted on behalf of the Kolkata Municipal Corporation that the law as it stands today provides for the Corporation or municipal bodies to set up toilets in parks for the use thereof by the visitors to the parks.

There is no doubt that there is a crying need for toilets to be constructed, both for visitors to parks and others, including people who live on the streets. In a large metropolis like this city, with its floating population of outsiders and a large number of pavement dwellers, there should be many more toilets than now available. Even the *bustees* and other tenements where the low income groups squeeze in, do not have

adequate toilets and in such clusters more than 50 to 100 persons, at places, share one toilet.

It is necessary for the Corporation to formulate a scheme to have many more toilets in the city; but construction of the toilets may not be the complete panacea for the problem. The toilets have to be kept clean and hygienic, a degree of awareness has to be inculcated and local residents, particularly from low income groups, may be engaged for the maintenance and upkeep of toilets with regular monitoring by Corporation officials.

Experiments at toilets being set up in some parks have sometimes resulted in the park itself becoming a toilet for the locals who do not have access to toilet facilities to descend thereon. It is possible, if space is a constraint, that small areas at the outer edges of a park be carved out for construction of a toilet; but there must be a clear policy as to whether that toilet is for those who use the park or for all and sundry in the locality.

For the moment, further construction of the toilet in the relevant park will remain stayed. At any rate, even if the construction is completed, the use of the same as a toilet should not be commenced without the express leave of

this Court. The matter will appear a fortnight after the vacation. A clear policy and road map for the construction of public toilets for use of residents of *bustees*, pavement dwellers and users of parks should be indicated with a timeline and the mode of implementation also being outlined. The Commissioner of Kolkata Municipal Corporation should take a proactive role to consult experts and formulate a scheme for such purpose with guidelines and milestones clearly indicated. Corporate houses may be tapped for CSR spending on such account and NGOs also involved.

This order may be in excess of the directions sought in this petition; but that is exactly the purpose of a PIL: for a larger public cause to be taken up while addressing a like issue of smaller magnitude. All metropolitan cities and towns in this country lack adequate public toilets and most do not possess any where a sense of hygiene is maintained. With the proposed scheme, Kolkata may show the way for the rest of the country.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)