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Some political candidates in India must prove they use a toilet



India Prime Minister Narendra Modi arrives at the White House during a visit to Washington on March 31.

(Olivier Douliery / AFP/Getty Images)

By **Shashank Bengali and Parth M.N. · Contact Reporter**

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A growing number of states in India are imposing a new requirement on candidates for local office: They must use a toilet. The western state of Maharashtra this week became the latest to pass a law requiring those running in municipal and village-level elections to present proof that they have access to a working toilet. A total of five Indian states — with combined populations of nearly 400 million people, or roughly one-third of the country — have enacted similar legislation over the past two years.

That's no small demand in a country in which an estimated 40% of people — including more than half in rural areas — lack access to safe, functioning commodes, according to WaterAid, a charity. In much of rural India, most people still defecate in the open due to a lack of toilets and widespread traditional beliefs that it is more wholesome to go outdoors.

Open defecation, however, has been linked to chronic diarrhea and other diseases that lead to stunted growth in children, as well as to violence against women who must leave their homes to relieve themselves.

Indian Prime Minister **Narendra Modi** has launched a “Clean India” campaign that aims to end open defecation and install 110 million toilets nationwide by 2019. Four of the five states that have introduced laws requiring local political candidates to use toilets are led by Modi's Bharatiya Janata party.

State officials say they want local officeholders to serve as role models in following modern sanitation practices.

“It is high time to have this basic amenity at home,” said Maharashtra's chief minister, Devendra Fadnavis, a Modi ally. “We are also promoting the Swachh Bharat [Clean India] campaign. We want to make each and every village and city clean and garbage-free.”

The bill Fadnavis initially proposed last fall would have required every local candidate to have a working toilet at home. That prompted resistance from some opposition parties, which said it would disqualify many poor candidates as well as those living in urban areas who use shared public toilets.

In Mumbai, India's second-most populous city and the largest in Maharashtra, one-third of municipal officeholders belonging to the powerful Shiv Sena party reside in slums that have shared toilets, said a party official, Anil Parab.

The state government relented and the law passed this week would allow people to contest elections if they produced a certificate showing they had access to a functioning toilet.

But an independent state lawmaker, Kapil Patil, slammed the law as unconstitutional, saying any Indian adult should be able to run for office without conditions.

“Is it not insulting to submit such a letter before applying for the candidature?” Patil said in an interview.

“Where I go to attend nature’s call cannot be anybody else’s business. The government’s responsibility is to provide toilets to everyone. One cannot hold the candidate responsible for the lack of toilets in the state.”

Some who support the effort to improve sanitation also criticized the law for driving a wedge between rural Indians and those living in urban areas, roughly 80% of whom have access to toilets, according to WaterAid.

“The bill polarizes the candidates between rich and poor,” said Kiran Pawaskar, an opposition state lawmaker. “The intent is good but the law is bad.”

Opponents of such legislation in other states have had mixed success. In February, the government in the northern state of Bihar, which is not allied with Modi, withdrew a law requiring candidates in local elections to have toilets in their homes, saying the state had fallen short of its promises to build more toilets.

Last June, a court in the western state of Gujarat, which is led by Modi’s party, rejected a challenge to a similar policy, ruling that officeholders should serve as “role models” for citizens.

“The states have the flexibility to make their own policies and rules, and it’s good that they’re trying to work in that spirit,” said Nitya Jacob, head of policy at WaterAid India. But Jacob said states should work harder on implementing the central government’s ambitious sanitation plans.

The laws “are more symbolic than anything else. It sends a message that this is important and you need to have a toilet.”

Part of the problem, Jacob and others say, is that while India has become better at building toilets, it has not had as much success getting people to use them. Many brand-new toilets lie unused due to drought or a lack of piped water. In some areas, local officials have not carried out adequate education campaigns to increase toilet use.

The cultural barriers remain significant. In a recent paper, researchers Anurag Banerjee, Nilanjan Banik and Ashvika Dalmia used Indian demographic survey data to rank 21 basic consumer goods in the order that Indian households would prefer to acquire them. According to their analysis, toilets ranked 12th -- meaning a poor family would buy a television, a pressure cooker or a motorcycle before it acquired a toilet.

Bengali is a Times staff writer and Parth M.N. is a special correspondent.

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