

Manual Scavenging in India: Issues & Challenges

Dr. S. Saravanakumar

Assistant Professor of Political Science, Gobi Arts and Science College, Gobichettipalayam, Tamil Nadu, India

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The recently enacted Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 gives a detailed definition of 'manual scavenger' as:

"a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decompose in such manner as may be prescribed..."

History of manual scavenging:

The link between India and caste is inseparable. According to Rig Veda, the people of our country are classified into different classes. Thus, there are four types of Varnas. The foremost is the brahminical society which consists of priests and intellectual society class followed by the Kshatriyas which includes warriors. The third Varna is the Vysias which includes merchants and the last Varna is the Shudras. The brahminical society was considered to be born from the mouth of Brahma and the Kshatriyas from the arms, Vysias from the thighs and at last shudders from the legs of Brahma. The shudders are the downtrodden people, "they are called as Bhangis which means broken or trash." This "Caste-based social organization is governed by custom and is enforced socially and economically." In ancient times, since there were no modern toilets, Shudras were forced to clean all those dry toilets and collect the waste.

All of us see the people doing manual scavenging very often. This situation prevails across the country. Many are doing it for years as their profession. Most of them are from scheduled caste, scheduled tribe and backward classes. They also inherit this to their family members. They are providing a crucial service to our society but they have been neglected in a greater sense and many times we see them as untouchable which is prohibited under Article 17 of the Constitution of India. They have also the right to live with dignity as guaranteed under our constitution. As per Article 46 of the Indian Constitution, it is the duty of the state to protect the weaker section of the society but it has failed to do so for these manual scavengers and their rehabilitation. Central Government enacted a law on Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 and The National Commission for Safai Karamcharis Act, 1993 but they were not properly implemented rather not at all. Looking at this dehumanizing practice of manual scavenging and failure of existing law, Central Government enacted a new law called The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 on September 18, 2013 which is still not being implemented.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 defines 'manual scavenger' as "a person engaged in or employed for manually carrying human excreta". The employment of manual scavengers is prohibited as a criminal offense.

Thus, the necessity for manual scavenging gradually arose in society. "Referring to contents of sacred scriptures and other literature, scavenging by some specific caste of India exist since the beginning of civilization." "One of the 15 duties of slaves enumerated in Naradiya Samhita was of manual scavenging. This continued during the Buddhist and Maurya period also."⁵ Unearthing from Lothal, which is considered as the unmistakable urban communities of the old Indus valley civilization additionally, demonstrated that as in Harappa, individuals had waterborne toilets in each house, cordiality to a very much arranged waste framework made of consumed dirt blocks. To encourage operations and upkeep of the seepage frameworks and sewer vents and chambers were additionally made. History says that with the decrease of Indus Valley Civilization exploration of the clean building held up. Amid the finish of the Vedic period, Rig Veda says about the Varna framework which started to adjust into position framework. Thus it can be seen that manual searching advanced with the development of position framework and now it is proceeding in this nation from Kashmir to Kanyakumari. Indeed, even in the Mauryan period, Pataliputra was one of the five old urban areas where the city major named as "Nagarak", was the leader of the association endowed with the errand of taking care of the common issues of the town. The foragers and sweepers cleaned the city and arranged the night soil. Some contend that the Mughals are the ones who initiated manual searching in the northern regions of India. Detainees of war were compelled to take part in manual scavenging as a style of torment and their drops were called as Bhangi.

The confirmation of Research on the medieval sewage framework uncovers that the washing rooms of the Mughal

posts had little outlets utilized as toilets. The waste was conveyed by gravity to the bulwarks with water. This instrument can be found in the Red Fort in Delhi, in the royal residences of Rajasthan, in Hampi, Karnataka and in Thiruvananthapuram, Kerala. The act of manual scavenging proceeded even under the British who went to the "Orient" on the affection of an edifying mission. The British legitimized and systemized this corrupting work while setting up armed force cantonments and districts. Official posts for manual scavengers were made. Each British organization -the armed force, railroads, courts, businesses and significant towns were furnished with dry toilets rather than waterborne toilets/sewerage. Also, it has been decades after our nation got autonomy and still this hating work is proceeding. As per my conclusion, the standing framework is the most obsolete routine with regards to our nation and a large number of individuals the nation over are enduring because of them. English India attempted to buildup govern of law and authorization of equity of with no sorts of segregation on the premise of rank and religion and in this regard, a few enactments like Charter Act of 1833 were likewise organized. Still, they were hesitant to alter the chain of command in the overarching social request, as they were keen on these social divisions. It is an instance of hopeless, intrinsic spread which can't be cleansed. "B.R Ambedkar defined, Untouchability as the notion of defilement, pollution, contamination and the ways and means of getting rid of that defilement Thus, "All over India one thing in common: beneath the castes are the outcastes, the polluted and the untouchables."7 Many of them were prone to a lot of diseases due to their unhygienic practices and occupation. The ones who wished to pursue other jobs were threatened by the other class of people in society.

Manual scavenging community: The people of scavenging community were called by various names in various states like Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor and so forth in northern India; Har, Hadi, Hela, Dom and Sanei and so on., in eastern India; Mukhiyar, Thoti, Chachati, Pakay, Relli and so on., in southern India; and Mehtar, Bhangias, Halalkhor, Ghasi, Olgana, Zadmalli, Barvashia, Metariya, Jamphoda and Mela and so on., in western and focal India, additionally tried to get joined together and have a typical name. In 1911 registration some of them began returning as Adi Dharmi, Adi Dravida, Adi Karnataka and Adi Andhra.8 These people group is held at the base of the social chain of importance and, in like manner, confront separation even from inside the Dalit people group. The International Labour Organization (ILO) recognizes three types of manual scavenging; they are "expulsion of human waste from open avenues and dry lavatories, cleaning septic tanks, and cleaning canals and sewers."9 These undertakings are subdivided by sex as 95 percent of private and town toilets are cleaned by ladies, both ladies and men clean open crap from streets, open territories, and open drains and men ordinarily clean septic tanks.

International covenants and instruments regarding manual scavenging: The issues relating to manual scavengers have also been raised and reflected on globally, particularly by the United Nations (UN). In 2009, the committee was constituted by the sub-commission, they analyze promotion and protection of human rights noted the discrimination based on work done by the people and descent at an international

level. The report of the committee, consisting of draft principles and guidelines for the Effective Elimination of Discrimination Based on Work and Descent, is a successful step regarding eradication of discrimination based on work and descent or caste. Discrimination (Employment and Occupation) Convention, 1958 that enumerates the issue of work-related discrimination, encourages the society to treat everyone equally irrespective of employment and occupation. In addition, it also states that government should indulge in conducting educational programs, other committees, etc. "This convention also states the government to establish a national agency on equal opportunity along with the repeal of inconsistent laws and practices."10 In 2007, the annual report of the Committee on the Elimination of Racial Discrimination of the UN stated that with concern that huge number of the untouchable community are forced to work as manual scavengers

Constitutional Provisions: Since manual scavengers belong to the scheduled sections of society, they are entitled to some rights under the Indian Constitution. Some of the important constitutional provisions are as follows: Article 14: Equality before law (Right to Equality); Article 16(2): Equality of opportunity in matters of public employment; Article 17: Abolition of Untouchability ; Article 19(1)(a): Right to practice any profession, or to carry on any occupation, trader business; Article 21: Protection of life and personal liberty; Article 23: Prohibition of traffic in human beings and forced labour etc; Article 41: Right to work, to education and public assistance in certain circumstances ; Article 42: Just and humane conditions of work;

Article 46: Promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections; Article 47: Duty of the State to raise the level of nutrition and the standard of living and to improve public health; Article 338: Constitution of a National Commission for Scheduled Caste.

Laws and schemes

The practice of manual scavenging is actually illegal in India. Various laws have outlawed the practice for the last 60 years:

- **The Protection of Civil Rights Act (1955)** made it an offense to compel any person to practice manual scavenging.
- **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993)** punished the employment of manual scavengers or the construction of dry latrines with imprisonment for up to one year and/or a fine of 2000 rupees.
- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (2013)** superseded the 1993 Act and outlaws all forms of manual scavenging (beyond just dry latrines), prescribing penalties for those who perpetuate the practice and protecting those who engage in it.
- **The 2013 Rehabilitation Act** also commits to providing alternate livelihoods and other assistance (such as cash payments, scholarships for children, housing and other legal and programmatic assistance) to help rehabilitate former manual scavengers. However, it is up to state and local governments to enforce these rules – the same institutions that have failed to enforce the previous laws to outlaw manual scavenging.

Since 2017, one person has died every five days across the country, as analyzed by the National Commission for Safai Karamcharis. Every state across India witnesses tragic deaths of these workers, however, these deaths aren't recorded in the government data, because since 2013 manual scavenging is non-existent, at least on paper. These unfortunate cases bring forth the hollowness of the countrywide "Swachh Bharat" campaign. Additionally, it points toward the lack of bureaucratic and political will.

Though government authorities claim there have been several successful attempts to eradicate the filthy practice, the farce of such claims compared to the ground realities are as ugly as they are far-fetched. As per the National Commission for Scheduled Castes (NCSC), Telangana reported 1,57,321 dry latrines, but zero manual scavengers. Himachal Pradesh showed 854 dry latrines, but no manual scavengers. Chhattisgarh, too, recorded 4,391 dry latrines, but only 3 workers. Similarly, Karnataka recorded 24,468 dry latrines, but only 302 manual scavengers. These facts reflect the fact that the reality on paper is different from the reality on the ground.

Why is the country struggling to eliminate 'Manual scavenging'?

The Prohibition of Employment of Manual Scavengers and Rehabilitation Act (2013) defines a "manual scavenger" as an individual employed by a local authority or agency for manually cleaning, carrying, and disposing human excreta from insanitary latrines. Clearly, the authorities seem utterly confused when it comes to defining manual scavenging. This definition doesn't recognize septic tank and sewer line cleaners as manual scavengers. This is, unquestionably, a result of sheer ignorance at an institutional level. The situation with the Indian Railways is a disturbing reality – it is the biggest employer of manual scavengers. It hires individuals disguised as sweepers on contract, at the lowest possible price of approx ₹250 per day. It is a classic example of the government's double standards. It denies the existence of manual scavengers but employs these sweepers to clean the toilets manually. States like Gujarat, Kerala, and Maharashtra had earlier denied the existence of manual scavengers, but an ongoing survey by the National Safai Karamchari Finance and Development Corporation (NSKFDC) reveals the presence of manual scavengers in these states as well.

While the country is making leaps forward in economic development, the existence of inhuman practice takes us backward and highlights our failure to ensure basic human rights. We urgently need a national-level consciousness, followed by strict adherence to the Prohibition of Employment of Manual Scavengers and Rehabilitation Act (2013) by both state and the Central governments alike. Just legislative conformity or changes will not ensure an end to the inhuman practice. The consciousness to eradicate manual scavenging has to combine with technological solutions and rehabilitation programs to offer alternative employment options.

Technological intervention is the way forward

On the occasion of World Toilet Day this year, Dr. Bindeshwar Pathak, the founder of Sulabh International, launched the Hope Machine, India's first sewage cleaning machine. The machine is designed to inject high pressure

into tunnels and tanks and can collect waste with a mechanical bucket. A gas-detecting device, a high-resolution inspection camera, and protective gear and clothing are some effective features that come along with the machine. Such functional technology, if implemented on a larger scale, could gradually address the issue. Another efficient technological innovation is Bandicoot, developed by the startup Genrobotics. This robot is designed to clean manholes, collect waste, and remove clogs. It efficiently mimics the movement of a manual worker. Interestingly, the Bandicoot has four limbs and a bucket system attached to a spider-like extension and is enabled with WiFi and Bluetooth modules. The spider-like hand can clean up to 400 manholes in a month. Owing to its successful results in Thiruvananthapuram, the Kerala government is planning to implement this robot in more of its cities too. The Centre can consider implementing the same in other states as well.

While the implementation of technology will eliminate the need for manual work, the affected workers still need to be rehabilitated through proper skill development and given employment opportunities. The evident hard task here is this: a community that has been involved in the profession for generations will require confidence and a mindset change to shift their profession. To help and hand-hold them, the government, public, and private organizations must together take up the onus. With the right intentions, the companies under the Corporate Social Responsibility (CSR) ambit may create welfare programs that aim at providing vocational training and employment to these now-liberated workers. There is a need to identify beneficiaries, initiate awareness campaigns, and hold counseling session around government and private initiatives. This is indeed the first and crucial step. Most manual scavengers are keen to discontinue and take up alternative jobs, but they lack the requisite skills to earn a livelihood. Therefore a prerequisite for the second step is to ensure training opportunities in easily adaptable occupations like beauty care, sewing, tailoring, driving lessons and more. Micro-financing is another way that can support people in setting up small-scale businesses like grocery shops, cycle repairing shop, tailoring and embroidery shops, amongst others.

Conclusion

Manual scavenging is modern India's greatest shame that requires immediate action. In our efforts to address the issue, an integrated approach that focuses on behavioral change, legislative reforms, and public and private partnership is the only way out. Looking at the above discussion we can conclude that even after the existing laws and newly enacted law on manual scavenging, it is still prevalent in the country. Central Govt. & State Govt. have completely failed to eradicate the manual scavenging and implement the laws. SC and various HCs have directed and are directing state governments to implement the laws on manual scavenging in true letter and spirit. The first step towards tackling manual scavenging is to accurately locate the areas where it is common and identify and rehabilitate individuals who are being employed as scavengers as stipulated in the Act. The discrepancy in the data, in terms of disproportionality between number of manual scavengers and number of insanitary latrines, reluctance to disclose complete data, or denial of the existence of manual scavenging, suggest that surveying and identification has not been properly carried out and therefore more time and

effort must be invested into fulfilling this obligation meaningfully. Also, when manual scavengers migrate to other parts of the country, they face language and cultural barriers and it becomes highly difficult for them to self-identify as manual scavengers as they are mostly unaware of the schemes and measures in place. Therefore, civil societies and state governments ought to carry out awareness programs to enable them to receive their due. In addition to relief and rehabilitation measures, reparations ought to be paid to the manual scavengers to address the structural inequalities affecting them.

References

- [1] Richard Abraham (2015), "HC directs strict implementation of the law on manual scavenging", New Indian Express, February 10, 2015.
- [2] Social Inclusion of Manual Scavengers, Report of National Round Table Discussion, New Delhi, December 21, 2012.
- [3] Cleaning Human Waste, Manual Scavenging, Caste and Discrimination in India report prepared by Human Rights Watch, 2014.
- [4] National Commission for Safai Karamcharis Act, 1993.

