

- As per Section 2(g) of “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” a Manual Scavenger means a person engaged or employed by an individual or a local authority or an agency or a contractor for manually cleaning, carrying, disposing off, or otherwise handling in any manner human excreta in an insanitary latrine or in an open drain or pit into which human excreta from the insanitary latrine is disposed of or on a railway track or in such other spaces or premises as the Central Government or State Government may notify before the excreta fully decomposes in such manner as may be prescribed and the expression ‘Manual Scavenging’ shall be construed accordingly.
- Manual scavenging should not be conflated solely with “dry toilets.” It encompasses far more.
- While underground systems do require some form of manual intervention
- The act of manually cleaning septic tanks and sewers — physically entering these spaces — is called manual scavenging.
- This practice carries caste and class dimensions, in addition to health and safety concerns and is therefore banned in India.
- However, despite the 2013 Act, manual scavenging persists in the country, necessitating public debate and on-the-ground action to highlight the issue and advocate for its eradication.
- The Act V of 1871 developed a separate sanitary department distinct from the Public Works and Engineering Department.
- The cash-strapped municipalities shifted the costs of drainage & conservancy to the cheap labour of the scavengers.
- Two kinds of scavenging, public scavenging & private or house scavenging.

#### THE CASTE BASE OF SCAVENGING

- All of these workers are belonging to Depressed castes - So is a caste problem – within the caste there is patriarchy – So the men are employed where there is more money.” — Bezwada Wilson
- Fighting caste and patriarchy is most important to eradicate manual scavenging.
- Untouchability declared as a crime 6 decades ago under Untouchability Offences Act — SC/ST Prevention of Atrocities Act 1989 more stringent rules – Yet associations of impurity imposed on a caste — socially and culturally entrenched.
- The India Exclusion Report 2016 explains vicious cycle – ‘No poor non-Dalit caste would consider this job- caste is occupation & livelihood- protest - risk of losing livelihood & even life.

- Caste & untouchability in faiths like Islam — Hela (MP) , Halalkhor ( Bihar & UP) , Christian — chura — forced unclean occupation.

#### STRUCTURAL PROBLEMS

- Manual scavenging was banned with the passing of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
- The occupation persists mainly because of the continued presence of insanitary latrines. There are about 2.6 million insanitary latrines (dry toilets) that require cleaning by hand, according to Safai Karmachari Andolan—an NGO that works towards abolishing manual scavenging, and perhaps, the only one in the country.
- There are structural problems as well, which force people to enter septic tanks. Septic tanks are designed badly. They have engineering defects which means that after a point, a machine cannot clean it,
- Under the Swachh Bharat Mission, millions of septic tanks are being built in rural India. By 2019, some 30 million septic tanks and pits would have been dug along the Ganga. If the Central, state and local sanitation programmes do not take up faecal sludge management as a priority, the onus will shift to the lowest rung of the society to clean millions of dry toilets built with tearing hurry.
- Many cities do not have sewerage that covers the whole city.
- Sometimes, sewage lines are connected to storm water drains which get clogged and demand human intervention.
- Open drains, are also badly designed, allowing people to dump solid waste into them, which accentuates the problem.
- Improper disposal of condoms, sanitary napkins and diapers clog the drains, which machines cannot clear.
- Sub-castes of Depressed communities—Valmiki or Hela—who are at the bottom of the social hierarchy, take up this lowly job, not knowing that human faeces and urine harbour a variety of diseases. They may carry Hepatitis A, E. coli, Rotavirus, Norovirus, and pinworms.
- That also explains why sewer workers die as young as 40, falling prey to multiple health issues: cholera, hepatitis, meningitis, typhoid and cardiovascular problems
- In fact, repeated handling of human excreta without protection leads to respiratory and skin diseases, anaemia, jaundice, trachoma and carbon monoxide poisoning.

- Manual scavenging is not only a caste-based but also a gender-based occupation with 90 percent of them being women.
- The livelihood of scavenging is only security that the community has as there is no competition.'
- No budgetary allocation under swachh Bharat mission to construct sewer lines to deal with the excreta.
- Village pradhans identifies and sends list of manual scavengers to state - This is where the problem lies.

#### GENDER DIMENSION

- Households with dry latrines prefer women to clean the excreta instead of men as they are located inside the house.
- According to a Human Rights Watch report, on an average, women get paid as little as between Rs 10 and Rs 50 every month per household. It is much less than men who earn up to Rs 300 a day for cleaning sewer lines.
- Swachh Bharat Mission aims at protecting dignity of women by providing them with private sanitation spaces, but, it is perpetuating humiliation of women manual scavengers as they are the ones who clean human excreta from dry-pit latrines.
- Ancient Jajmani system — loosely translates to ownership over the rights to clean a select number of dry toilets — system prevailed in select Depressed communities — passing on from one woman to another in a family.
- Even marriages took place on the basis of jajmanis a family held so that the woman would have food security.
- According to India Exclusion Report 2016 (centre for equity studies) jajmani rights equivalent to property rights — can be bought and sold, always in connection to the women of the family — jajmani documents are also pawned to borrow money

#### LEGISLATIVE ISSUES

- The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 aims to eliminate insanitary latrines (those not connected to pits/septic tanks/sewage lines) alongside tracking the rehabilitation of manual scavengers in other occupations & conducting periodic surveys.
- To eliminate this practice, the act has provisions for stringent penalties, for direct or indirect employment of any person in hazardous cleaning of sewers or septic tanks by any person, local authority or agency. For example, even the first instance of its contravention is punishable with imprisonment up to two years or fine up to Rs 2 lakh or both.
- If a worker dies while performing such work, even with safety gear and other precautions, the employer is required to pay compensation of Rs 10 lakh to the family.

- Despite such stringent provisions, hardly any action is visible on the ground — not a single FIR was filed in 2014, according to the 57th Standing Committee of Social Justice and Empowerment, 2017-2018.
- Two cases under the law were reported from Karnataka in the National Crime Records Bureau report of 2015, where only one went for trial.
- As per the National Commission for Safai Karamcharis (NCSK) database, 608 manual scavengers have died between 2013 and 2017 while cleaning septic tanks.
- However, many advocacy groups have raised concern over the authenticity of this data, claiming that the actual number would be much more.
- NCSK reported 123 deaths during January-August 2017, whereas, the SKA reported 429 deaths in the same duration in the National Capital Region alone.
- In 2013, the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act came into force.
- However, according to Bezwada Wilson, this law leaves people "helpless".
- In the earlier Act, the district magistrate had the power to solve all the cases, but that's not the case with the current one.
- If the assigned public official isn't doing his duty of identifying manual scavengers and processing their rehabilitation, there is no mechanism to pull them up.
- The Act does not address critical aspects of provisions like the rehabilitation of those who were liberated from manual scavenging before passing the law in 2013.
- Liberated manual scavengers regularly face brutal atrocity and violence. Therefore, ensuring protection for these families is crucial

#### SELF EMPLOYMENT SCHEME FOR REHABILITATION OF SCAVENGERS

- An immediate one-time cash assistance of Rs 40,000 to one member of the family of the identified manual scavenger
- A concessional loan of up to Rs ten lakh for self-employment projects
- A monthly stipend of Rs 3,000 for up to 2 years and access to skill-training programmes for all manual scavengers and the dependents
- A credit-linked back-ended capital subsidy of Rs 3,25,000 against aforementioned loan
- As per the reports of the parliamentary standing committee in 2017-18, the support to the manual scavengers have been atrociously inadequate so far.
- Only 27,268 manual scavengers have been provided with the one-time cash assistance
- The process of rehabilitation for is based on an imaginary male breadwinner- no woman

#### ADOPTING TECHNOLOGY

- According to reports, the Hyderabad Metropolitan Water Supply and Sewerage Board is using 70 mini jetting machines that can access narrow lanes and smaller colonies to clear the choked sewer pipes.
- In Thiruvananthapuram, a group of engineers has designed a spider-shaped robot that cleans manholes and sewers with precision.
- Asif Shaikh, the founder of Jan Sahas social development society, is of the opinion that focusing only on technological fixes to end manual scavenging may not work.
- It is a social and gender issue and can be eradicated by sensitising people about its ills
- In 2012-13, Jan Sahas launched a nationwide march covering 200 districts across 18 states with an objective to make women aware of their right to live with dignity.
- It managed to liberate some 6,000 women during that yatra, and so far, have liberated about 30,000 scavengers
- Officially, the number of manual scavengers dropped to 42,303 in 2018 from 770,338 in 2008 indicative of gross underassessment rather than being reflective of their actual numbers .

#### THE SURVEY & ITS SHORTCOMINGS

- The survey of manual scavengers in 2018 was conducted by the National Safai Karamcharis Finance and Development Corporation (NSKFDC) at the behest of the Ministry of Social Justice and Empowerment.
- It found 87,913 manual scavengers in India, was only conducted in the statutory towns of 14 Indian states.
- Of the 87,913 manual scavengers identified by the survey, 42,303 were recognised by the ministry and only 27,268 have been integrated into relevant schemes and have received any form of entitlements or benefits from the ministry.
- The Socio-Economic Caste Census of 2011 identified 1,82,505 households with the primary occupation of manual scavenging.
- Whereas, the SKA estimated that the numbers of such scavengers were around 12 lakh, which seems more reasonable, given the fact that the Census of 2011 estimates the number of dry latrines in the country at around 26 lakh.
- The age-old practice of manual scavenging has seen a drop of almost 89 per cent in seven years ( SKA in 2011 and the NSKFDC Census, 2018) is irrational.

#### SWACHH BHARAT ABHIYAN & MANUAL SCAVENGING

- Under the Swachh Bharat Abhiyan, Govt claims to have constructed approximately 1,000 lakh toilets since 2014, thereby providing approximately 95 per cent households with access to toilets.
- The constructed toilets are connected either to twin pit, septic tanks with soak pit, single pits or are connected to sewerage lines.

- National Annual Rural Sanitation Survey 2017-18 estimates that 13 percent of the toilets constructed had twin pits, while 38 per cent were equipped with septic tanks with soak pits and 20 per cent had single pits.
- While the twin pit variety does not require human handling of faecal matter, the other two varieties require manual or mechanical extraction of faecal matter after a period of time.
- Given the abundance of septic tank with soak pit and single pit varieties of toilets and the low availability of suction pumps at the village level for mechanical extraction, most of these toilets in rural areas would be cleaned manually.
- Given the present policy climate which has relegated the scourge of manual scavenging to just an urban challenge, it is pertinent that the situation of rural sanitation be highlighted.
- We need more efforts at policy level to substantially reduce manual scavenging. Swachh Bharat Abhiyan has addressed the issue of access to toilets, ignoring those cleaning them.
- The community had no other business skill for livelihood except scavenging – When you are thinking about the rehabilitation of a woman, you can't offer a tractor to her if they are not willing to work with it. So the government has to develop a clear mechanism to offer rehabilitation and promote it."- Bezwada Wilson
- Socio-Economic Caste Census data released in 2015, India still has 1,80,657 households that make a living from manual scavenging.
- The budgeted amount for SRMS(scheme for rehab of ms) for 2015-16 was Rs. 470.19 crore. The actual expenditure was "nil."
- Rajasthan, Punjab, and West Bengal have reported an increase in the number of manual scavengers
- No political say, no party took this as an issue, no civil society outside the manual scavengers.
- An unorganised movement (1986) turned organisation (since 1996), the SKA has relentlessly striven to educate the State governments and courts
- People remained unaware they had the right to refuse this role.
- Kachra Vahatuk Shramik Sangh, a union of sanitation workers in Maharashtra, had first filed a case in the industrial tribunal of Mumbai, in 2007, on behalf of the 2,700 workers- won the case.
- The Industrial Disputes Act of 1947 contract workers — right to demand a permanent position if worked continuously for 240 days — contractors hire workers on short contracts of 210 days, after which they are made to sign new contracts.
- The Contract Labour Act of 1970, which specifically provides labour rights to contract workers, is applicable only to establishments that employ more than 20 workmen.

- Workers are hesitant to demand a complete abolishment of the contract system out of fear that thousands of workers could lose their jobs.
- Sanitation being a State subject, the people for cleaning of sewers and septic tanks are employed by local bodies.
- In the southern States, sanitation has expanded along with urbanisation, but it has brought with it a higher number of deaths as workers clean septic tanks manually
- Ahmedabad NGO Kamdar Swasthya Suraksha Mandal — estimate, over 1,000 manhole worker deaths per year.
- In March 2014, the Supreme Court of India ruled that manual scavenging violates international human rights law.
- SC made a hard-hitting observations, saying that, why proper protective gear like mask and oxygen cylinders were not being provided to people engaged in manual scavenging and cleaning of sewage or manholes ? (September 19,2019)
- A SC Bench made remarks that said nowhere in the world people are sent to “gas chambers to die.”while hearing the Centre’s plea seeking review of its last year’s verdict on SC/ST Act.
- Manual scavenging is done with the consumption of alcohol as tea or food is denied by shopkeepers - report submitted to SC .
- Govt's perception - issue of sanitation than that of human dignity.
- Art 14 , 15 , 17 - abolition of untouchability & its practice in any form - art 23 prohibition of human trafficking & forced labour - force of tradition & discriminatory practices
- In 1976 sec 7A added to protection of civil rights act 1955- forcing to manual scavenging on grounds of untouchability amounts to crime.
- SC / ST prevention of atrocities act 1989 - strong legal regime against untouchability and violence.
- Government should undertake a complete assessment and audit of all relevant schemes currently in place
- Government should then work in consultation with communities engaged in manual scavenging and civil society organizations to create a comprehensive program that corresponds with the provisions of the 2013 Act.

- Manhole tests with A candle – low oxygen levels — flame goes out- toxic gases candle explodes- 20 feet deep

#### WAY FORWARDS

- The judiciary has taken a proactive role in addressing this issue.
- The aforementioned survey in 2018 to estimate the number of manual scavengers in India was conducted at the behest of the judgement passed by the Supreme Court in the matter of Safai Karamchari Andolan and others versus the Union of India and others.
- Bombay High Court in response to a PIL filed in 2019, sought a response from the Maharashtra Government regarding the number of convictions in cases related to the employment of manual scavengers as well as the disbursement of compensations upon their death.
- The state and society needs to take active interest in the issue and look into all possible options to accurately assess and subsequently eradicate this practice.
- It also warrants an engagement of all stakeholders for the proper introduction of mechanisation and ensuring that it is made available to all those who are forced to engage in this undignified practice.
- An interdisciplinary approach with multi-stakeholders involvement is required to tackle the issue. Stakeholders should be from urban local bodies, health sector, community leaders, private contractors who provide labours for sanitation, all working in conjunction to develop a system to uplift their lives.
- National Urban Livelihood Mission identified them as one of the stakeholders, as it not only supports financially, but also helps in providing skills across multiple fields.
- Above all, acknowledging their existence needs to be the first step towards providing a life of dignity for them.
- A proper monitoring channel should be aligned to schemes such as NSKFD to get better results on ground
- There’s an urgent need to change general public’s attitude towards these people