

# A CONTEMPORARY OUTLOOK TO MANUAL SCAVENGING IN INDIA

*Swachh Bharat Abhiyan, Gandhian Perspective & Other Dimensions*

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## ABSTRACT

**"India can send rockets to the moon but we don't want to invest in technology that removes the need for humans to clean toilets manually."- Bezwada Wilson**

Every month, there is news about people dying in manholes after being ordered to clean them. Why hasn't any thought gone into mechanized cleaning of manholes in the city? Why is it the job of the most depressed man to clean up and lose his life in the process? Swachh Bharat will not only result in intended physical outcomes but also a lifestyle and mindset change. Sanitation is social transformation and is as, if not more, important than economic transformation. **The harsh reality is that not every Dalit is a sanitation worker but every sanitation worker is a Dalit.**

This paper tries to present holistic picture of manual scavenging in contemporary India. This paper makes a contemporary outlook to century's old filthy practice of manual scavenging. The different perspectives such as Gandhian, Ambedkarite, Global, legal, are presented here. This paper deals with various dimensions associated with manual scavenging such as caste, gender, environmental, health etc.

This paper puts an emphasis on Gandhi's views on manual scavenging and govt. ambitious Swachh Bharat Abhiyan (SWA). The linkages between manual scavenging and swachh bharat Abhiyan has been established. The swachh bharat Abhiyan has been critically analyzed in contemporary understanding of manual scavenging.

This paper makes an attempt to understand why inhuman practice of manual scavenging still persists in twenty first century India despite several constitutional, statutory, government and NGO efforts.

This paper provides especial attention towards constitutional, legislative, statutory framework associated with the manual scavenging issue. Legislative lacuna have also been identified in this paper.

**KEYWORDS:** manual scavenging, swachh bharat abhiyan, dry latrine, night soil, insanitary latrine, manhole.

## INTRODUCTION

In contemporary India, with its remarkable growth rate and corresponding investment and employment opportunities, some may find it surprising that heinous occupations like manual scavenging still persist (International Labor Organization, 2011).

According to 2011 census report there are 7, 50,000 families that still work as manual scavengers. Most live in U.P, Bihar, Rajasthan, Bihar, M.P, Gujarat and J&K. But the actual data could be much higher due to the fact that the govt. data excludes the railway employees. (Masoodi, 2013)

As per the Socio-economic caste census (2011), Maharashtra has 63,713, M.P has 23,093, U.P (17,619), Tripura (17,332), and Karnataka (15,375). However the said reality is the exact number of manual scavengers living in India is still debatable.

A study suggests that there are around 2.5 lacs workers engaged in manual scavenging in the Uttar Pradesh only and about 1400 people died from 1999-2017 in manual scavenging casualties.

National Family Health Survey of India observed that in 1999 there were about 120 million dry latrine units in use (International Institute for Population Sciences, cited in Meerman, 2009). In 2002-03 the Ministry of Social Justice and Empowerment eventually disclosed that 6, 76,000 manual scavengers exist in India and the existence of 92, 00,000 dry latrines across 21 States and Union Territory (Human Rights Law Network, 2009).

Behar, Das and Thakur (2002) pointed out there are approximately 2, 60,000 Dalits that are engaged in manual scavenging. International Dalit Solidarity Network in their 2002 report (cited in Kuksal, 2011, p. 146) projected that there were one million scheduled caste manual scavengers.

These are dry latrines that aren't connected to large sewerage systems, which means that they have to be cleaned by individuals. In parliament, Social Justice and Empowerment Minister Thanwar Chand Gehlot stated that there were 26 lakh dry latrines in the country.

A UN Report claims that most of these are concentrated in the states of Andhra Pradesh, Assam, Jammu and Kashmir, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal. Till these sewers and latrines are fixed or cleaned by machines, they will remain death traps. Those who don't die are afflicted with a number of skin diseases and tend to suffer from alcoholism, the product of years of swigging liquor to dull the senses. This aggravates a culture of domestic violence.

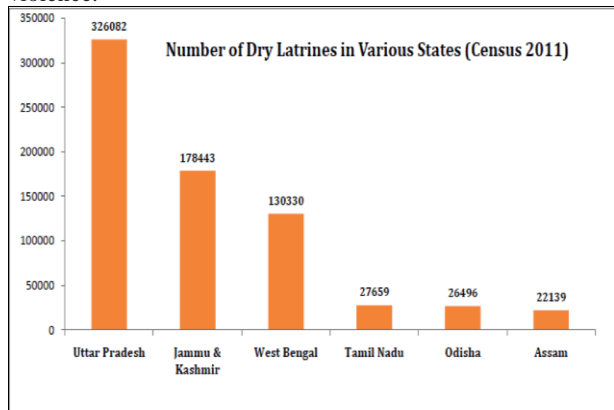


Fig 1. Dry Latrines Data across Six States

handled manually either in-situ or in an open drain or pit into which the excreta is discharged or flushed out.”

‘Night soil’ was produced as a result of a sanitation system in areas without sewer systems or septic tanks. In this system of waste management, the human feces are collected without dilution with water. (Wikipedia)

**Manhole;** is a small covered in a paved area allowing access beneath, especially one leading to a sewer.

## RESEARCH METHODOLOGY

This research paper is based upon secondary data sources such as articles, journals, thesis/dissertation, govt. & NGO reports, books, documentaries, govt. ministries data, census data, websites etc.

### A Timeline Of Legislation



Fig 3

## Legislative Framework

It is pathetic that when the world has made significant progress in human development, In India there exist a community which makes it living by carrying human excreta and servicing the community sanitation with a baggage of their caste identity.

Despite several Constitutional measures the practice still thrives on:

- Article 14: Equality before law
- Article 16(2): Equality of opportunity in matters of public employment
- Article 17: Abolition of Untouchability
- Art 19(1)(a): Right to practice any profession, or to carry on any occupation, trade or business
- Art 21: protection of life and personal liberty
- Art 23: Prohibition of trafficking and forced labor
- Art 42: Just and humane condition of work
- Art 46: promotion of educational and eco interest of SC,ST and weaker sections
- Art 47: Duty of the state to raise the level of nutrition and the standard of living and to improve public health
- Art 338: Constitution of a National commission for Scheduled Caste

A number of committees have been constituted by the government, both at the Central and State levels. Some of these are the Scavengers Living Conditions Enquiry Committee (Barve Committee), 1949; the Scavengers Conditions Enquiry Committee' (Malkani Committee), 1960; and the Committee on Customary Rights to Scavenging (Malkani Committee), 1966. (Thorat, 2009, p.30)

### VISUAL EDIT

## HOW TO END MANUAL SCAVENGING ON PAPER

In a bid to bury the shame of manual scavenging, are governments taking shortcuts or are people wrongly claiming to be manual scavengers?



1,82,505

Indian households identified themselves as manual scavengers in Census 2011

12,226

have been identified as manual scavengers by state governments (as on Nov 30, 2015)

7,346

manual scavengers have got one time cash payment since 2013\*

\* Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013) came into force on Dec 6, 2013

Source: Ministry of Social Justice & Empowerment

Fig. 2 Government Data on Manual Scavenging

According to the ministry, it has rehabilitated 9,798 of the identified women manual scavengers by providing each of them one-time cash assistance of `40,000. Notably, 80.97 per cent of the manual scavengers are women, of which 1,246 have not been provided rehabilitation benefits due to non-receipt of bank details or incomplete information, ministry officials said.

The Central government has identified 11,044 women manual scavengers and claims to have rehabilitated over 88 per cent of them. These scavengers are scattered in 13 states, and more than 94 per cent of them (10,449) live in Uttar Pradesh alone. Others are spread across Andhra Pradesh, Assam, Bihar, Chhattisgarh, Karnataka, Madhya Pradesh Odisha, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhnad and West Bengal.

The term ‘**Manual Scavengers**’ refers to “a person engaged or employed by an individual or a 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 space or premises. (“The Prohibition of Employment as *Manual Scavengers* and their Rehabilitation Rules 2013”)

‘**Insanitary Latrine**’ is defined as a “latrine which requires human excreta to be cleaned or otherwise

Though India's constitution bans the practice of untouchability, it also prohibits caste based discrimination in employment and the protection of civil rights act, 1955 prohibits compelling anyone to practice manual scavenging.

Aimed specifically at ending manual scavenging *The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*, declared the employment of manual scavengers to clean dry toilets and construction of dry toilets to be punishable with fines and imprisonment. Superseding the 1993 Act.

*"The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013"* goes beyond prohibition of dry latrines and outlaws all manual excrement cleaning of insanitary latrines, open drains or pits. And importantly it recognizes a constitutional obligation to correct the historical injustice and indignity suffered by manual scavenging communities by providing alternate livelihoods and other assistance.

The 2013 act outlaws all forms of manual scavenging beyond just dry latrines, prescribe penalties for those who perpetuate the practice, protects those who engaged in it and obligates govt. to correct the historical injustice suffered by these communities by providing alternate livelihood and other assistance.

There are rehabilitation entitlements under the 2013 Act- including financial assistance, scholarship, housing, alternate livelihood support and other assistance to manual scavenging communities but their implementation is far away from reality,

The 2013 act not only prohibits dry latrines, but also outlaws all human cleaning of excrement as well as cleaning gutters, sewers, septic tanks without gear. As per the provisions of the manual scavenging 2013 act, state govt. through their urban and rural local bodies are required to carry out surveys to identify manual scavengers.

Apart from the plethora of Constitutional provisions there are several legislative measures for the upliftment of Scheduled caste including manual scavengers. There enactments are like The protection of civil rights act (1955) or earlier known as the Untouchability (Offence) Act, 1955, SC & ST prevention of Atrocities Act (1989), Employment of Manual Scavengers and construction of Dry latrines (prohibition) Act 1993, National commission for Safai karamchari Act 1993, National Commission for SC, *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013*.

There is no insurance provisions for the manual scavengers. The Prohibition of Employment as **Manual Scavengers** and their Rehabilitation Act 2013" provides for a loan scheme for sanitation workers to set up a petty business hence to do away with the evil profession of manual scavenging. The Act also provides for compensation and rehabilitation in case of any casualty but lack of education and awareness is a worrying concern.

The rigid caste structure and associated stigma with manual scavengers makes it difficult to get away with this filthy work. There is a financial insecurities involved among manual scavengers. Thus the social problem of manual scavenging needs to be addressed on various fronts such as caste structure, class, legal, administrative and mass awareness.

## GANDHIAN PERSPECTIVE ON MANUAL SCAVENGING

**"I may not be born again but if it happens, I would like to be born into a family of scavengers, so that I may relieve them of the inhuman, unhealthy and hateful practice of carrying night soil"- MAHATAMA GANDHI**

In 1901, Mahatma Gandhi termed manual scavenging as national shame and soon raised the issue of the horrible working and social conditions of Bhangis as he termed them, at the Congress meeting in Bengal. In 2011 PM Manmohan Singh referred to manual scavenging as 'one of the darkest blots on India's development process and asked all states to pledge to eliminate it by the end of 2011.

Gandhi identified the intersectionality between manual scavengers, sanitation and environment. Gandhi's ideas on manual scavenging are much relevant today than ever it further explores that the issue of manual scavengers should not be limited as a social issue but also an environmental issue. Gandhi's idea on the reuse of night-soil contributing to sustainable living are understood.

Gandhi calls manual scavenging as a sin against humanity. Gandhi tried to incorporate self-cleaning in the house. Even in his ashram, he insisted that every member of the ashram must do the cleaning toilets task on rotation basis.

Gandhi used to say that "Every person should be his/her own scavenger." He used to criticize many western customs but admitted that he learnt sanitation practices from the West. Gandhi was of the view that a lavatory or toilet must be as clean as a drawing room.

Gandhi's vision of Clean India was incorporated into the Swachh Bharat Abhiyan when it was instituted on 2004, 2014. Gandhi's quote '*Cleanliness is Godliness*' became the slogan.

On the other hand, B.R. Ambedkar had often pointed out that In India, a man is not a scavenger because of his work. He is a scavenger because of his birth His/her plight is then linked to the brutal realities of the caste system. Thus taking a dig at Gandhi, he used to say that it is incorrect to preach to the manual scavenger about the dignity of labor.

Therefore while Gandhi advocated change of heart and morality on the part of the oppressor castes, B.R. Ambedkar called for political praxis, agitation and legal intervention, especially by the victims of the caste system. Gandhi wanted to improve the status of manual scavengers in society, while Ambedkar wanted to remove the whole system of birth-based manual scavengers.

## GLOBAL PERSPECTIVE

According to World Bank one in every 10 deaths in India is due to poor sanitation. A total of around 7, 68,000 deaths a year. Around 50 percent population in the country defecate in the open accounting for 60 percent of the world's total open defecations. Poor sanitation in India incurred huge health expenditure.

The International Labor Organization (ILO) distinguished three forms of manual scavenging.

1. Removal of human excrement from public streets and dry latrines.
2. Cleaning septic tanks
3. Cleaning gutters and sewers.

These tasks are sub divided by gender: 95 percent of private and village toilets are cleaned by women. Both women and men clean open defecation sites, open areas and gutters and men typically clean septic tanks, closed gutters and sewers.

Even the practice of manual scavenging violates international human rights law including protection found in the Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). India is also a party to other international conventions that reinforces obligations to end manual scavenging.

The problem of health and sanitation has also attained high importance in the modern times. A number of international agencies such as the WHO, UNICEF and UNDP are working for improving health and sanitary conditions in the world. Even the (1981-90) decade have been declared as the 'International Drinking water and Sanitation Decade' by a resolution of the UN general assembly.

## ENVIRONMENTAL PERSPECTIVE

The environmental and health cost of sanitation is much higher. The cause behind many of diseases is the condition of our toilets and our bad habit of sanitation and particularly disposing of excreta anywhere and everywhere. On environmental side the dumping of untreated excreta from pit latrines, septic tank, drains and railway lines into the rivers and lakes leads to water pollution.

Due to human excreta discharged into river and lakes, the global Nitrogen cycle get disturbed as human excreta is rich in nutrients. But if treated properly it can reuse as an organic compost. The theory of reusing and recycling of night soil was envisioned by Gandhi. There is a potential of night soil to generate biogas and energy. Therefore the management of night soil was top priority by Gandhi to maintain environmental sustainability.

## GENDER DIMENSION

As far as Gender side is concerned women clean dry toilets. Men and women both clean excreta from open defecation sites, gutters and drains. While men alone are desired for physically demeaning work of cleaning sewers and septic tanks. Women largely continue to work as manual scavengers because of family pressure and lack of employment.

Women are worst victim of manual scavengers as they constitute most of the work force of manual scavengers. At least 80-90 percent of India's estimated 1.8 million manual scavengers are women, according to a campaign group of Jan Sahas. Women work is even very less paid than men. Women scavengers face triple suppression of caste, class and gender.

## HEALTH DIMENSION

On health grounds, manual scavengers have direct skin contact with human excreta contributing to countless diseases: TB, Campylobacter infection, Viral and other bacterial diseases and sometimes even death. The news of manual scavengers died in manhole is frequent these days. For safety side around 90 percent of all scavengers have not been provided proper safety equipment like gloves, masks. Boots, brooms, oxygen

cylinder etc. said a report (Jan 2007), on safety by TISS Mumbai.

A 2013 report submitted to the UN by Rashtriya Garima Abhiyan notes that the direct handling of human excreta involved in manual scavengers can have severe health consequences such as respiratory, skin ailments, trachoma and carbon mono oxide poisoning. In addition lack of safety equipment had an adverse impact on the health of sanitation workers employed by the municipal corporations.

## MANUAL SCAVENGING AND SWACHH BHARAT ABHIYAN

*"India can send rockets to the moon but we don't want to invest in technology that removes the need for humans to clean toilets manually."- Bezwada Wilson*

Some scholars and activist such as National Safai Karmchari activist Bezwada Wilson argues that the mission for a clean India will not work without breaking the link between caste and occupation. We have to understand one thing: this entire campaign is to make India clean. But the people who actually make the country swachh (clean), and have kept it swachh so far, have been left behind and Prime Minister Narendra Modi wants to achieve this goal without their participation.

Since the root cause of manual scavenging is the insanitary disposal practices (dry latrines, open defecation). Indian Govt. has allocated resources to modernize sanitation. National sanitation schemes aimed at modernizing human waste management. Sulabh Shauchalayas scheme (1974), Nirmal Bharat Abhiyan (2009) and now Swachh Bharat Abhiyan (2014) are some of the examples.

The Swachh Bharat Abhiyan (SBA) has following objectives:

- Elimination of open defecation
- Eradication of manual scavenging
- Modern and scientific municipal solid waste management
- To effect behavioral changes regarding healthy sanitation practices.

Mr. Wilson, who is the national convener of Safai Karmchari Andolan (SKA), pointed that 12 crore toilets are being constructed under the SBM without taking into account the fact that they would still need manual scavengers to clean them. The question arises who will clean the septic tanks in the absence of suction pumps?" "India can build cryogenic engines and send rockets to the moon but we don't want to invest in technology that removes the need for humans to clean toilets manually,"

Pointing out that "four times as many Indians have already died in septic tanks and underground sewers as have died in terror attacks," our government still does not devote half as much time and resources to combat manual scavenging deaths as it does to the issue of terrorism,"

A case study (Annual Status of Education Report) done in 2016 revealed that as many as 96.5% of rural elementary government schools had toilets, but more than one in four toilets (27.79%) were dysfunctional or locked. Under the SBM, no importance is being given to the upkeep, maintenance and sustainability of these community infrastructures.

The focus of the SBM-G should be on behavioral change; the guidelines also require that 8% of the funds be allocated for information, education and

communication activities. But during 2016-17, up to January 2017 only 1% of the total expenditure had been made on information, education and communication.

Instead of modernizing the sewer lines and septic tanks and investing money and energy on smart techniques of sanitation, we are adding more problems to the existing problem. There is lack of concern for those who are dying cleaning sewers. People who have given up their lives in keeping Bharat clean, you have not spoken about their Right to Life. All of this shows the insensitivity in setting this goal. The sewers are being cleaned by those very people shamed in the campaign.

Other scholars of sanitation argues that in the short span of three years, about 50 million toilets have been constructed in rural India, increasing the coverage from 39% to 69% now; another 3.8 million have sprung up in cities and towns and another 1.4 million are presently under construction. As against this, only 300,000 toilets were built during the 10-year period between 2004 and 2014.

So far, 248,000 villages have been resurrected from the ignominy of open defecation; 203 districts, over one-third of the total, have banished open defecation. Five States have declared themselves Open Defecation Free (ODF) in rural areas: Sikkim, Himachal Pradesh, Kerala, Uttarakhand and Haryana. About 1,200 of our cities and towns, about one-third of the total, have already become ODF. More importantly, all ODF claims are scrutinized by third-party independent verification. (S, Puri, 2017)

Credible surveys show that 85% of toilets built under this mission are being used. Long-inculcated or forced habits take time to change, but they definitely will. The alternative to not using toilets is to walk long distances either at night, as is the case mostly with women and girl children, or at sunrise. This is more a forced option and a habit than a preferred choice. Such habits must be made to vanish, and will for sure. (Maken, 2017)

Prime Minister Modi's mission will work for sure since its success will have the most liberating impact on the women of our country. Surely no one can seriously believe that defecating in the open is a safe and viable option for women.

All houses being built under the 'Housing for All' mission will have toilets and the title will vest in the name of women, either individually or jointly. This is about women's empowerment, freeing them from domestic subjugation besides liberating them from humiliating open defecation.

Proper integration of various components of the sanitation chain such as ensuring water supply, seepage management, sewerage networks, prevention of manual scavenging and solid waste management form the key for the Swachh Bharat Mission. Given the efforts underway to make this chain work, the way forward is towards a Clean India. The ongoing mass mobilization campaign 'Swachhata Hi Seva' highlights sanitation as the real service to the nation. We owe a 'Swachh Bharat' to Mahatma Gandhi on the occasion of his 150th birth anniversary in 2019.

### WHY MANUAL SCAVENGING STILL PERSISTS

The primary reason for the continuation of the process is apathy on behalf of the public and the state. But instead of rectifying this, state

governments seem to be going in the opposite direction. In Karnataka, the Social Welfare Minister proposed legalizing manual scavenging 'in an emergency'. Without a strong will to educate our communities against this dehumanizing practice, strict enforcement of criminal penalties and a genuine financial commitment to overcome the technological barriers, it is impossible to even make a dent in this travesty.

In India, there is an inexorable link between occupation and caste; the occupation of manual scavenging is linked with caste. We have to break the link between caste and occupation before we set out to achieve Swachh Bharat.

It cannot be achieved by preaching 'cleanliness is next to godliness'. Ironically certain communities in India from particular castes clean the country. If that were not the case, why is it that for the last 4,000 years, the same communities are cleaning the countryside? Without breaking the chain, those who make Bharat swachh will never be a part of the campaign. You will be projecting an illusion and to promote that, you will conceive of campaigns where the success of the illusion will depend on how well you promote it.

Despite the Constitution declaring the abolition of untouchability in Article 17, it is still practiced by perpetuating occupations such as scavenging. The cause has not been made clear by the Prime Minister. Cleaning India is not a spiritual experience, can a manual scavenger worship his occupation by cleaning someone's faeces? One has to begin by recasting society and its target, reconstructing society first by breaking the links between occupation castes. Slogans like 'Clean-up India' are an illusion.

### CONCLUSION

Manual scavenging still survives in many parts of India without proper sewage systems. It is thought to be most prevalent in Gujarat, Madhya Pradesh, Uttar Pradesh, and Rajasthan. Some municipalities still run public dry toilets which is illegal by law. Traditionally the biggest violators of this law has been Indian Railways which has toilets dropping all excreta from trains on the tracks and they employ scavengers to clean it manually.

The manual scavengers are forced to work in such inhuman practices out of compulsion and not by choice. They don't enjoy much alternatives. Caste privilege and discrimination remain engrained in our society. Dalits engaged in manual scavenging is due to casteism and patriarchy and not just because of poverty. The concern here is why does caste matters in your employability or profession in modern India? ***The harsh reality is that not every Dalit is a sanitation worker but every sanitation worker is a Dalit.***

The manual scavenging is passed on from generation to generation. Culture of acceptance is prevailing among them is also depriving them of their basic rights. Central and state govt. have failed to implement the law on manual scavenging.

### RECOMMENDATIONS

In India, there is an inexorable link between occupation and caste; the occupation of manual scavenging is linked with caste. We have to break the link between caste and occupation before we set out to achieve Swachh Bharat. This will require a collective efforts from society, law, govt, NGO, other

institutions, etc. It should be followed by behavioral and lifestyle changes. Mass awareness related to sanitation & manual scavenging has to be propagated. There is a need for modernization of septic tanks and sewage networks. The underground sewage networks and drainage should be expanded. The sewage treatment plant coverage to be increased at a faster pace.

There needs to be high tech equipment to clean septic tanks, manholes, sewer lines and it should be accompanied by proper safety kits like shoes, gloves, coat, oxygen mask etc. The safety at workplace guidelines has to be strictly followed.

There needs to be proper insurance provisions for the manual scavengers and their families. The contractualization of manual scavenging needs to be monitored and reforms to be taken up.

In recent times govt. has taken various steps as part of holistic cleanliness drive. Swachh Bharat Abhiyan is welcoming step in this direction. The bio toilet system in railways for zero wastage could help immensely in our fight to manual scavenging. The 2013 manual scavenging act is a progressive step but its implementation in letter and spirit is still a challenge. But any fight to manual scavenging is incomplete without fighting the caste system. Caste based occupation and caste stigma associated with scavengers requires behavioral and legal efforts.

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