MANUAL SCAVENGING – A PROLONGED MENACE

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Introduction

"One human being carrying the waste of another on their head is not the trouble of that woman or that community alone. It's the struggle of the people of this country and together we can abolish this."

Manual Scavengers are the person who partially or wholly engaged in Extremely unpleasant and the barbaric work of cleaning human excreta or night soil from Dry latrines. Scavenging includes cleaning of the grime with a broom and piles it on in a basket and move away from latrines.

The dehumanizing practice of manual scavenging is closely interlinked with untouchability. It is well known that this work is socially assigned and imposed upon certain untouchable castes of India. Manual scavenging is bedded in caste and with very few exceptions, all the manual scavengers are from the Scheduled Castes. Even amongst schedule castes, manual scavengers occupy the lowest rung which further excludes them as "untouchables among the untouchables". Manual scavenging is thus a caste-based occupation, with a large majority of them being women the continuance of manual scavenging constitutes a gross violation of human rights and the worth of the human person and flies in the face of the Constitutional guarantee assured, in its very Preamble, of a life with dignity for every individual in the country.

"Manual Scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, 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 human excreta from the insanitary latrines are 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

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decomposes in such manner as may be prescribed, and the expression "manual scavenging"[3] shall be interpreted accordingly.

Manual Scavengers are the victims of Caste pyramid which mean Scavengers are the lowest caste and upper caste obligate them to do this indifferently vicious work and they do it to earn a livelihood. Manual Scavengers are mostly Lower class or backward class people and mostly Dalits are being quarantined from the society and being exploited and discriminated politically, economically and evidently socially. These people are the prey of untouchability.

History of Manual Scavengers

The inhuman profession of manual scavenging continues from dates back since ancient times. The lowest caste among Hindus (Dalits) are being forced by the upper castes. It is aharsh expression of the consolidated beliefs perpetuated by caste system- Dharma, Karma, Purity, Population and Untouchability. References of manual scavenging can be seen in Narada Samhita and Vajshneyi Samhita. In Narada Samhita, it is enumerated in one of the 15 duties that the disposal of human excreta is necessary. In Vajshneyi Samhita, Chandals are referred to as slaves engaged in the disposal of Human excreta. As vaishya are designated as farmers, the Shudras or Dalits have traditionally specified occupation in this society. They have been duped by the cobwebs of the caste system.[4]Scavengers are defied of growth, social as well as economic. It is satire that potent Dalits inhibit and viciously treat the lower-class Dalits within the biotic community.

In Harappa civilization (2500 B.C.) had water flushed Latrines which can be seen from sites of Gujarat. The toilets were made by burnt clay bricks and were linked with drains. Almost hundred years ago toilets were equipped with drainage system which had manholes and chambers[5]. However, with the decline of the Harappacivilization, the science of sanitary engineering suffered a setback. Nothing changed for manual scavengers in medieval times.
The practice of manual scavenging went forwardwith the Britisherswho came to the 'Orient' on the pretense of a 'civilizing mission'. The British legitimized and systematized this

[3] a person engaged or employed to clean excreta with the help of such devises and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger'.

[4] Cleaning Human Waste, human rights watch, august edition 2014 ISBN: 978-1-62313-1838.

[5] Asian Development Bank, India's Sanitation for All – How to Make it Happen (Manila: ADB, 2009), p. 10.

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degrading work while setting up army cantonments and municipalities. Official posts of manual scavengers were created. The commercialisation of land and destruction of artisan trades pushed people in the lower rungs out of agriculture and trade-related activities to sweeping and scavenging and led the situation into Sturm and Drang.

Risley, the commissioner for 1901 census has classified castes into seven main categories bases on the data released by that census. This classification was done on account of the social standing of each group. This created a non-uniform situation in the society. This led to formation of various groups in the society with the thought that they have ample opportunity to climb socially by forming such organisations and can claim benefit out of that. These groups were known by different names in different states of the nation.[6]

The Justice Scavenging Hero - Bezwada Wilson

Bezwada Wilson was born in a society the people of which carried human excreta from one place to another and used to clean toilets. He was discriminated in his school on this basis and was even mocked by the name 'scavenger'. He's been much appreciated for his work in transforming the mentality of people and fighting for the rights of the scavengers. He battled 32 years for the rights of the scavengers and hence was awarded the prestigious 'Raman Magsaysay Awards' in 2016. It was due to the hard work and reformatory steps taken by him that the act of manual scavengers was considered illegal in 1993 under the Manual Scavenger Prohibition Act. He was very diligent in assuring that the upcoming generation should not face the menace of manual scavenger. He was quite successful in that but the target to be achieved is still very far.

After years of perseverance, he was successful in removing this practice from his state of Karnataka to a much greater extent. One of the moves towards that was the establishment of Campaign Against Manual Scavenging. The work of this campaign was to convert all the dry lavatories into flush toilets. But this led to another problem. It is the unemployment which the people engaged in manual scavenging suffered.

[6]Human Rights Watch, *Broken People: Caste Violence Against India's "Untouchables*", 1999.

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Measures taken by the Government

Since the biggest responsibility to change the fate of the scavengers lies on the Government, it has enacted various laws and schemes for the upliftment of them in the form of various law and schemes.[7] Some of them are mentioned and discussed below: -

- ***Protection Of Civil Rights Act, 1955***

This act prescribes punishment for the advocating and practice of untouchability for the enforcement of any disablement arising therefrom for subjects connected thereupon. Under the P.C.R. Act, 1955, provisions have been made for the protection of Civil rights and privileges of the S.T. and S.C. people in the state. The provisional of P.C.R. Act are being widely promulgated. The victims of atrocities are also assisted with compensation.

- ***Prevention Of Atrocities Act, 1989***

This is the Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes, weaker section of the society which includes Manual Scavengers also. Article 17 of Indian Constitution seeks to abolish 'untouchability' and to prohibit all such practices.Thus, the Act clearlyproposes the intention of the Government to deliver justice to these communities via proactive efforts to enable them to live in asociety with dignity and self-esteem and without fear or violence or suppression from the dominant castes. Under this act, the practice of untouchability was made a cognizable offence and strict punishment was provided for the same.

- ***Employment Of Manual Scavengers And Construction Of Dry Latrines (Prohibition) Act, 1993***

The Act (‘the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993’) does not prohibit dry latrines and manual scavenging in a direct manner. It operates after State Government issues a notification fixing a date for enforcing the provisions prohibiting employment of manual Scavengers and dry latrines in the specified

[7] See, Annual Report 2009-2010, Ministry of Social Justice and Empowerment, Government of India, New Delhi, 2009) p. 32.

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area[8]. The notification itself can only be issued after giving a notice of ninety days, and only where adequate facilities for the use of water-seal Latrines in that area exist. This Act cannot be utilized unless notice is issued by the state government, which by default minimizes the probability of utilizing the as the citizens in India are not aware much who can compel the state government to issue thenotice.

- ***National Commission For SafaiKaramcharis Act, 1993***

The National Commission for Safai Karamcharis was constituted on 12th August 1994 for a period of 3 years under the provision of the National Commission for Safai Karamcharis Act, 1993 to promote and safeguard the interests and rights of Safai Karamcharis. The National Commission has, inter alia, been empowered to investigate specific grievances as well as matters relating to theimplementation of programs and scheme for welfare and rehabilitation of Safai Karamcharis.

- ***Prohibition Of Employment As Manual Scavengers And Their Rehabilitation Act, 2013.***

On the date of 18th September 2013, the act was enacted with the assent of President. The Act prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines. It seeks to rehabilitate manual scavengers and provide for their alternative employment. Offenses under the Act shall be cognizable and non-bailable and may be tried summarily. The existing law prohibiting manual scavenging was enacted under the State List.

- ***Swachh Bharat Abhiyan***

The propaganda of Swachh Bharat Abhiyan is known to all states from past 5 years. It is anambitious scheme of the central government. However, the scheme has failed miserably in changing the plight of Manual Scavengers since till today these people are cleaning the filth. Ironically the death toll of the Manual Scavengers has been increases while the government claims they have eradicated it. There are various employees of Indian Raiway who cleans the toilet and excreta in trains and on tracks. The scheme should be more oriented to the plight of these people.

[8] See, Ending Manual Scavengers, National Human Rights Commission, Report, 1997.

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Constitutional safeguards and Various schemes

- Article14: Equality before the law**.**
- Article 16 (2): Equality of opportunity in matters of public employment.
- Article 19 (1)(g):Right to Freedom(Protection of certain rights regarding freedom of speech),to practice any profession, or to carry on any occupation, trade or business.
- Article 21:Protection of life and personal liberty
- Article 23: Prohibition of traffic in human beings and forced labour.

Civil rights groups say that often women are victims twice over. Not only are they are looked down upon by the upper castes, they are also compelled to do the work by their husbands who find it degrading but expect the wives to continue with the custom. Important Schemes for the Social and Economic elate of Scavengers / Safai Karamcharis and their dependents.[9]

- **National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents**

The main objective of the National Scheme of Liberation and Rehabilitation of Scavengers and their dependents is to free them from their unending transmitted objectionable and inhuman occupation of manually removing night soil and filth and to provide for and engage them in alternative and dignified occupations.

- **Centrally Sponsored Scheme of Pre-Matric Scholarship for Children of those engaged in unclean Occupation**

The Government is also emphasizedon the spread of education amongst the children of those engaged in an unclean occupation, as it is only through education, proper acculturation of this section of society with the mainstream of society would be possible. This scheme was launched in 1977-78 to extend scholarships to children of scavengers of dry latrines, tanners regardless of religion to pursue school education.

- **Valmiki Ambedkar Malin Basti Awas Yojana (VAMBAY)**

It was an initiative of the Government of India. This 'yojana' was launched in the year 2001. The aim of this 'yojana' was to provide necessity, i.e., shelter to those who are deprived of it

[9] Constitution of India in its basic objectives serves the purpose for providing social justice to all the people. Special emphasis has been laid upon the backward classes of the society and they are being divided into various category for providing maximum upliftment to them.

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and to extend the shelter for the people under B.P.L residing in the urban slums. Another objective of this yojana was to make the cities slum free.

- **Pay and Use Toilet Scheme**

Urban Local Bodies (ULBs) was empowered by the Housing and Urban Development Corporations (HUDCO) to make available basic sanitary facilities such as toilets for the people residing on footpath. This scheme was further extended to those people also who were unable to construct their own toilets or such sanitation requirements.

National commission for safai karamcharis Reports Analysis

This section (Manual Scavengers) of the society is deprived practically of the benefits of Government's Reservation Policy in favor of Schedule castes and scheduled tribes which are under implementation since 45 years.[10]

The commission noted that safai karamcharis used brooms with bare hands and got an allowance of just Re.1/month. Even gumboots, gloves and masks were also not made available to them. It is obvious that in the absence of modern equipment or protective gadgets, Safai Karamcharis are being exposed to serious hazards. It is indeed pathetic to see that the people who live and work to protect the health of citizens are themselves exposed to serious health hazards.

Since Safai karamcharis are engaged in an unclean occupation and are exposed to serious health risks, the commission directed Municipal Bodies to provide adequate and free healthcare to Safai karamcharis and their dependents. As a part of which comprehensive, medical check-up would be free of cost which was four times a year.

The colonies where these people lived lacked both educational and recreational facilities for children. In the name of schools, there were only crumbling structures which posed threat to children's life. The vacant pieces of land within and around these colonies were full of human and animal excreta which hardly give any little scope for the children to play.

[10] Government of India, Working Group on the "Empowerment of Scheduled Castes (SCs)" for the Eleventh Five-Year Plan (2007-2012), Report of Sub Group on Safai Karmacharis Submitted to the Chairman of the Working Group on the "Empowerment of Scheduled Castes (SCs) for the Eleventh Five-Year Plan (2007-2012)".

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It was observed that the Scavengers were deprived of their allowance for months and years which made the life of scavengers more miserable. There was amisappropriation of 80 lakhs rupees in Faridkot District, Punjab which was supposed to be used for allowances of the manual scavengers.[11]

It is pitiable to say that these people are engaged with 95 Municipal Corporations, 1804 Municipalities, and 1739 Nagar Panchayats. It is a fact that existence of the dry latrines directly compels Safai Karamcharis to do the Manual Scavenging in local bodies as well as in private houses. It was prevailing in the big cities also.

As the state was declared scavenging free the committee initiated to adopt The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**,** which came into force in 1997. The act was applicable to the following states Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, West Bengal, Delhi and all union territories. Punjab, Haryana, Madhya Pradesh later adopted this act.

COMMISSIONS FOR WELFARE

- **Barve Committee**

Since the era of pre-independence, the division in the society based on caste has created huge problems for the government and they always tried to fill the rift. For the same purpose the Government of Bombay made a committee to be headed by late Shri V.N Barve. The committee was appointed in 1949 and was named Scavenger's Living Conditions Enquiry Committee.[12] The work of the committee was to know the conditions in which the people indulged in this practice resides and put forth suggestions for changing their fate. The provision of fixing the minimum wages of those indulge in this was also put forth by the committee.

- **Kaka Kalelkar Commission**

This was one of the major steps towards the backward classes as this commission was the first to be appointed after independence. It was appointed in 1953 and submitted its report in 1955. They regarded the people involved in this practice as sub-humans. All the State

[11] Human Rights Watch, India Hidden Apartheid: Caste Discrimination against India's "Untouchables", 2007, Shadow Report to the UN Committee on the Elimination of Racial Discrimination.
[12] Human Rights Issue, Human Rights Quarterly, vol. 29 (2007), pp. 167,173.

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government was notified of the suggestions that this commission put forth. The modern ethnology for cleaning of toilets and implementation of such toilets which could be cleaned without humans was suggested by the commission. The commission ultimately wanted to change this in-human practice of cleaning human excreta by hands and hence to uplift the life of the backward classes from sub-humans.

- **Malkani Committee**

This committee was headed by Prof. N,R Malkani in 1957. The committee was named Scavengers Conditions Enquiry Committee. The committee emphasised on putting an end to the inhuman practice of carrying human excreta in basket or any such thing. The committee further aimed at providing a better living condition and social status for the scavengers.

- **Committee on Customary Rights**

Once again under the chairmanship of the Prof. N.R Malkani, a committee for examining the status of the customary rights of the scavengers was formed by the Central Department of Social Welfare. It was further found by the committee that the scavengers inherited this right from their antecedents and hence the person doing cleaning in one house shall continue and the other scavengers shall not interrupt. This right will further pass to the members of his family. and this was regarded as the silent agreement between the scavengers in the areas where there were no municipal authorities[13]. The scavenger duly received wages for the work done by them from the owner of the place they worked.

Summing Up Reports of above committees

Even after the continuous efforts by the government and the activism shown by the Indian Judiciary there has not been much change in the situation and still 180,657 rural households are involved in this practice. Swachh Bharat Abhiyan, the ambitious scheme of the present government also failed to benefit these people. The chief executive officer of civic bodies was also given responsibility by the Apex court for the same, but it went in vain even after 2 years and more of the passing of the order.
The government is aware of the practice of manual scavenging as the data mentioned above is the result of the Socio-Economic and Caste Census done by the ministry of Rural

[13] See Education & Rehabilitation of the Children of Scavenger: A, Case Study of India's Sulabh International: A Movement to Liberate Scavengers by Implementing Low Cost Safe Sanitation System.

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Development. Among all the states like M.P, U.P Karnataka, Tripura and Punjab, the condition of Maharashtra is the worst[14].

The leading question which arises here is the reason as to why the practice continues. The main reason of this is the division in the Indian society prevalent from time immemorial. Even after various orders of the Apex court, the casteism has led the society to overpower the dignity of the Apex Court.

The chief executive officer of a locality has the primary responsibility of abolishing this practice. This could be done by establishing dry latrines and modern technique toilets at the first instance and hence the officer is obliged to comply with the Supreme Court's order. However, the situation hasn't been improved and irony is that none of the officer of the area where such practice is prevalent is been prosecuted till now.

The results of the survey are mocking the Dalits and the Indian Judiciary, and the laws and guidelines are being repeatedly violated by the people and the problem continues. One of the newly invented way of the system to violate the law is that they refused to the fact that this practice is prevalent in various Indian States. This is done by doing surveys, one after the other and putting forth some fabricated reports in front of the people. However, the truth was exposed when some private organisations such as Garima Abhiyan and Safai karamchari Andolan did their surveys. Adding to this, the Comptroller General of India also accepted that such practice is continued in the Indian Society. The even worst part is that people engaged in this practice are vulnerable to deadly diseases

Another thing which needs to be done is to punish those who carry out the mentality of those people who continue such practice forcefully. It should be started by prosecuting the chief executive officer of civic bodies as many people there are still involved in this practice.

[14] Human Rights Watch, India Hidden Apartheid: Caste Discrimination against India's "Untouchables", 2007, Shadow Report to the UN Committee on the Elimination of Racial Discrimination.

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Conclusion

Even after so many legislations and the various committees, the fate of the scavengers changed very slightly. The no. of dry toilets, as specified in the 2011 Census is 7,94,390. In any case, there are another 1,314,652, toilets because of which the act of manual scavenging is been advanced. The human excreta in these toilets are flushed in open channels and therefore, they are being cleaned by the people. There are additionally 497,236 toilets in the nation where a ludicrous method for the clean-up of the human excreta is given. According to the enumeration, these toilets are cleaned up by human being. Coherently, it's very obvious that that real cleaning of these toilets should be possible just by person. Along these lines it could be inferred that the aggregate no. of such toilets in India would be more than 26 lakhs. The disastrous situation these days is that in a nation with different law making bodies and the requests of its Apex court to end the act of manual scavenging still experiences this detestable practice and not even a solitary state can get the leeway that they are free of searching. This is debilitating. It could be considered as the most abominable, most dishonourable and direct assault on the pride of the individuals. In all types of untouchability present in the Indian Society and the fast change in the Indian Society, this is a noteworthy misfortune for the general advancement of the country. India, being considered as one of the finest economies on the planet now and growingly quick has not been ready to handle this issue. However, since freedom, the Indian governing body have made different enactment to stop this practice, the uncalled-for usage of such plans, plans, and act because of debasement or different such causes, the practice still exists in different noticeable conditions of the country.

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In the concluding words, the most fitting strides that the administration can take here is to shape the law for that reason, ensure that these laws are appropriately actualized and took after, make arrangements for punishing the authorities in charge of the expulsion of this practice on the off chance that they neglect to satisfy their obligation and stop the foundation of the manual scavengers crosswise over different parts of the nation.

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