



## The Face of Manual Scavenging in India: An Overview

Griraj Shanker\*  
Himanshu Bagdi\*\*

### Abstract

In a developing country like India, the efficient implementation and utilization of human rights are essential. There should not be anyone inside the country who should be left behind by attaining these rights. The paper aims to highlight the situation of Manual Scavengers in India and the key highlights of the rights mentioned in the Constitution of India and how various legislative steps have been taken in the past to control the various problems being witnessed by them. Also, the health condition of manual scavengers is mentioned in the study. The study is being carried out using literature reviews from various research papers, reports and articles. It concludes with some remedial measures, the role of the Government to revitalize the policies of Manual Scavengers within the country for the welfare and betterment of people who are engaged with such an occupation. Further, it fulfills an arising need to provide a better understanding and reconsider the various policies which are being implemented in the past and present.

Keywords: Manual Scavengers, India, Rights, Welfare, and Health

### Author Correspondence

Griraj Shanker\*,  
Food and Civil Supply Officer  
Department of Food and Civil Supply,  
Uttar Pradesh, India  
Email: [grirajshanker@gmail.com](mailto:grirajshanker@gmail.com)

Himanshu Bagdi\*\*,  
Research Scholar,  
Applied Mathematics and Humanities Department,  
Sardar Vallabhbhai National Institute of Technology,  
Surat, Gujarat, India  
Email: [himanshu.bagdi@yahoo.co.in](mailto:himanshu.bagdi@yahoo.co.in)

### Introduction

"I may not be born again if it happens, I will 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."

- Mahatma Gandhi

Presently, India is experiencing incredible cataclysms in terms of suburbanization, with as many as the minimum of the biggest cities, five in number (Mumbai, Kolkata, Bengaluru, New Delhi and Chennai) where the population mark reached of ten million. These cities are famous as the megacities, these signs are the growth of the economy and based on such a scenario, it is assumed that by the year 2030, the list will also add further (Hyderabad and Ahmedabad), as two more cities (United Nations Human Settlements Programme, UN-Habitat 2016). Growth is taking place in the country, and it's at an excellent pace of becoming a world player in many sectors worth mentioning. Every city contributes to the wealth generation and their colossal

contribution Gross Domestic Product (GDP) contribution to an economy. The Cities in India pose immeasurable challenges. One of them is slum dwellings, derisory substructure, and lack of entree to the rudimentary facilities, rising population echelons that gradually captivate a clang on the city-dwelling populace.

Manual scavenging (MS) poses an enormous challenge still in the current time, even after seventy-four years of India's Independence. The coldhearted practice of MS showcases the deep rupture between the Constitutional morals and authenticities that existed in the Indian civilization. It was prevalent even as a bonded labour even before Independence and even after the framing of the Constitution of India, which guarantees fundamental rights which includes almost all the Human rights; this is a demonstration of reality that still there is a group of citizens who are still devoid of the rudimentary constitutional rights applicable to the Citizens of the Country. The rights which are given to under the Constitution of India and are directly considering the lives of Manual Scavengers (MSs) their dignity, protection, livelihood and conditions of work are mentioned in the figure 1, and other rights and directives that are enshrined in the Part-III which are the Fundamental Rights and Part IV which covers the Constitutions' Directive Principles of State Policy of the Constitution of India (Baksi, 2012).

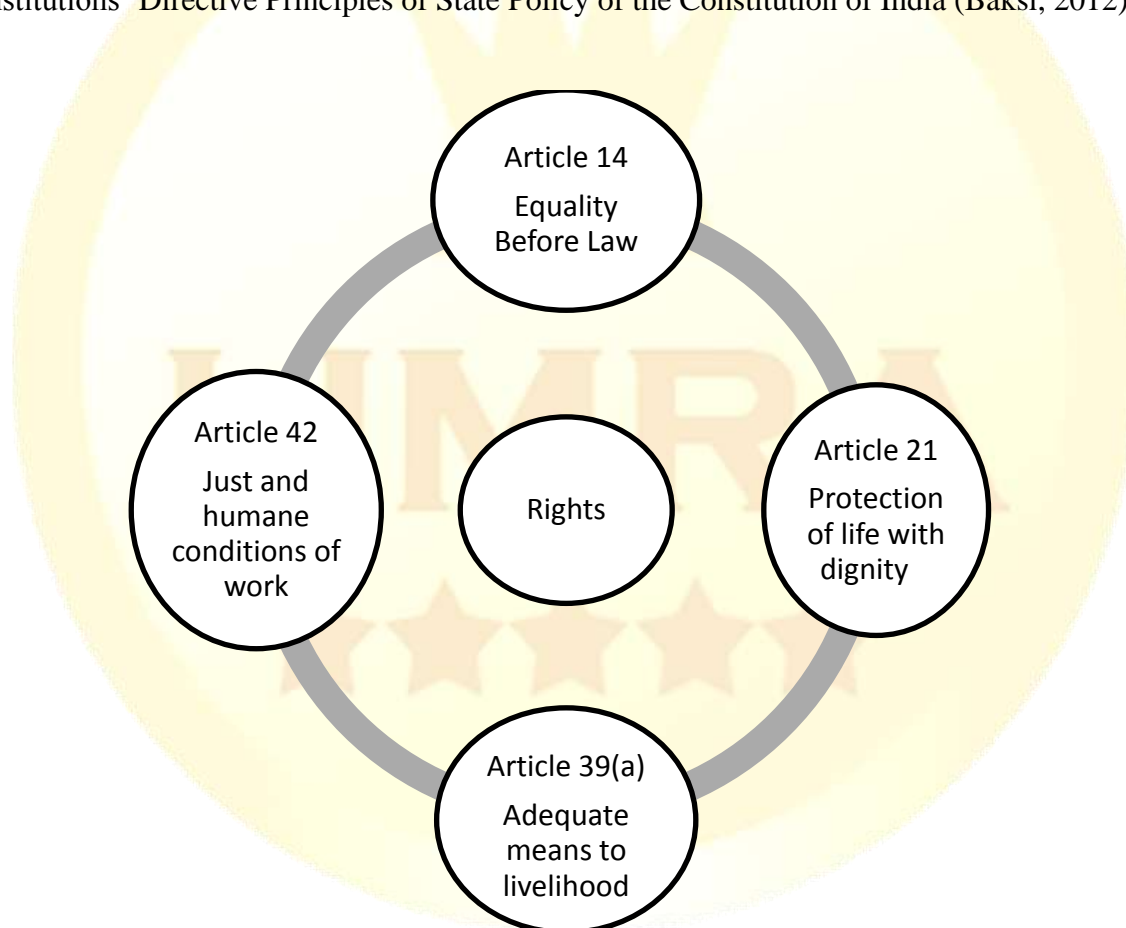


Figure 1: The basic rights and directives under Constitution having co-relevance to MSs (Author's own)

The surveys which are conducted of MSs, also when led in the urban cities, highlighted the reality regarding those who get registered are the ones who clean insanitary toilets, which directly denies information of all other types of scavenging which are taking place manually (Dubey 2018). According to (The Census 2011), there are 2.6 million dry latrines and 1.3 million Dalits/scheduled Caste, and mainly the employed ones are the women in cleaning them.

Even Indian railways employ a considerable number of manual scavengers, but with protective gear to violate the law, to manually water flush latrines in passenger coaches.

### **Manual Scavengers**

MSs, distinct as a being employed by a distinct, local authority or an agency for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or 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 decomposes in such manner as may be prescribed, and the expression 'manual scavenging' shall be construed accordingly, as per 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (Ministry of Law and Justice, 2013).

According to the Supreme Court judgment (Safai Karamchari Andolan and Ors v. Union of India & Ors., 2014) dated on the 24<sup>th</sup> of March, there should not be any human intervention into a sewer or septic tanks for cleaning. But still, the reality is very harsh, and lakhs of manual scavengers struggle to survive in this worsening situation due to the unemployment issues and many other challenges they regularly face to survive, out of which most of them are the ones on whom their family members are dependent. According to (The Prohibition of Employment as MSs and their Rehabilitation Act, 2013) it seeks to eliminate insanitary latrines and manual scavenging as an employment related to MS of septic tanks and sewer. It has the mandate to rehabilitate manual scavengers in a time-bound manner by conducting such surveys. There are 167,487 households with at least one member as a MS (The socio-economic and Caste census 2011). Before Independence and also post-independence of India, it's prevalent even after framing the Constitution of India, which guarantees fundamental rights, including almost all the human rights.

### **Manual Scavengers Health Concern**

MSs are exposed to many health threats, which are chiefly chemical and biological, because their exposure with many dangerous substances while cleaning dismayed sewer lines which is covering a mix of human excreta, waste coming from the kitchen, waste from industries, and much other solid left-over which are not envisioned for sewer lines, like plastic bags, sanitary napkins, left-over from construction sites, etc. When working on a regular basis, scavengers come across exposure to inhale various gases which are harmful, such as methane, carbon dioxide, hydrogen sulfide, and ammonia in severabsorptions can be lethal, which may cost their lives as well. In contrast, less exposure may develop respiratory diseases, which are equally dangerous for their health. Their exposure to all these dangerous gases and chemicals may develop infections like hepatitis, leptospirosis, and Helicobacter plyori are are often conversant prevailing amid the workers. (Tiwari 2008)

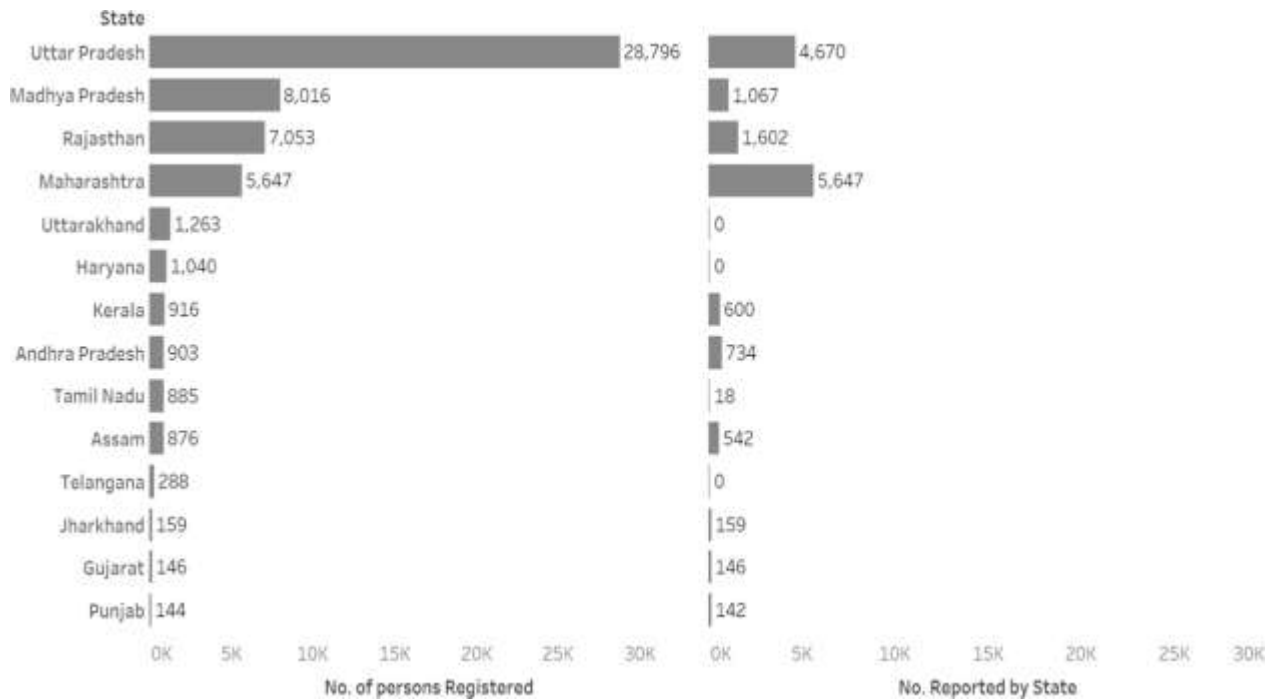


Figure 2 The status of MSs (source: MS Survey 2018; NSKFDC 2018)

As per the study steered by Narayan et al. (2014), the finding came to known of the acquaintance to inappropriate dumping of petroleum products like gasoline and mineral spirits leftward the life of workforces in danger and due to such mis-happenings they become vulnerable and chemical exposure led to eye irritation at times as well as sores, pneumonia, fatigue and terminal diseases. The International Labour Organisation has also mentioned to remove human excreta from community streets and dry latrines, also the spring-cleaning of septic tanks, gutter and sewers. The practice, though prevalent in other parts of the world, has a prime occurrence in the country. The people betrothed in resonant out this act are habitually from lower castes, namely the Dalits. As per the Supreme Court in the year 2014, there are over 9.6 million dry latrines which are manually deflated. The states where the practice is common are Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, and Uttar Pradesh.

### Legislative Frameworks for Manual Scavengers

According to the Employment of MSs and Construction of Dry Latrines (Prohibition) Act, 1993, practice of MS and the edifice of dry latrines was prohibited in the year 2013, The Central Government informed the Prohibition of Employment as MSs and their Rehabilitation Act. There should be any such situation where any person shall employ someone for MS, nor allow them to construct a dry latrine (Ministry of Law and Justice 2012).

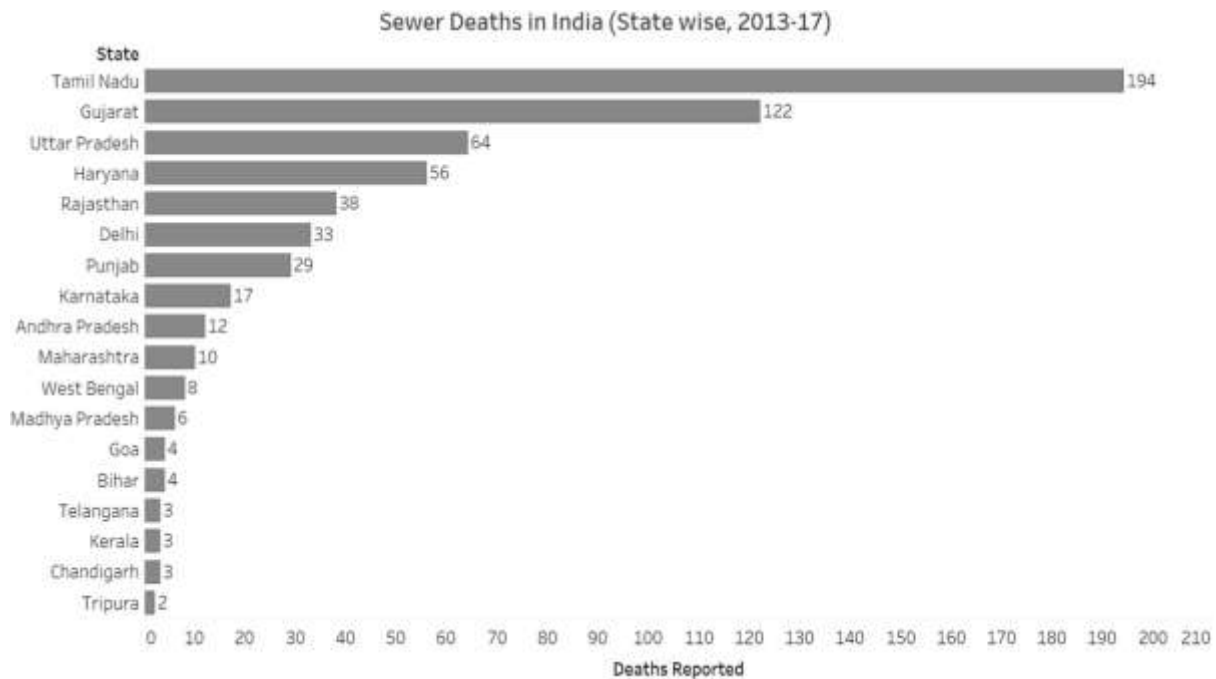


Fig. 3 Death cases reported during time period of 2013 to 2017 (source: National Commission for Safai Karamcharis)

When we look into the recent past related to the MSs, the issue has been in discussion over a long time and conventional differential consideration timely. According to the plans of Government of India, it dedicated to eliminating MS by the end of the 8th Five Year Plan (1992-97). In the year 1992, the 'National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents' came into force. The following year, the Parliament also enacted legislation 'The Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act 1993', and its Section 3 (1) mentions regarding the restrictions of engagement of person or employment in practicing any form of human excreta work manually or construct of dry latrines. According to The Prohibition of Employment as MS and their Rehabilitation Act, 2013 and the apex court, The Supreme Court's judgment dated 27 March in Safai Karamchari Andolan & Ors. Versus Union of India & Ors. Vide Writ Petition (Civil) No. 583 of 2003 which is related to the complete eradication of MS and reintegration of individuals betrothed in it. It has been observed that due to the legislative portrayals shadowed by the arrangements for recuperation of MS and the Supreme Court orders from time to time, the district administration and Government of the conditions professed themselves to be free from dry latrines and MS (Shahid, 2014).

The National Commission for Safai Karmacharis (NCSK) is at present a non-statutory body established in the year 1993 under NCSK Act, 1993. The main functions include:

- To recommend to the Government regarding programs for the welfare of safai karmacharis
- Study and analyze the available welfare programs and investigate the cases of grievances.
- Take up issues of Low wages and lack of financial security.
- Monitor and instrument the Proscription of employ as MS and their reintegration Act, advice the central and state Government in this regard.
- Look into the complaints if anyone found in the practice of or forced to do manual scavenging.

The NCSK envisions improving the well-being of the situation, but they're a few challenges that make it inefficient in its performance like; the NSKC commission itself is a non-statutory body,

thus having only advisory power functioning of NSKC ineffective. MS still prevails in the country. Safai karmacharis enter manhole, which is inhuman and sometimes many die due to poisonous gases. Safai karmacharis are mostly illiterate and unskilled who can not be employed in other activities.

## **Remedial Measures**

MSs face many difficulties due to a lot of unemployment, fewer resources available for them, and at many times they lack awareness of the options they could opt for. To improve the living and working conditions of MSs throughout the country, there needs to be an approach of setting up agendas for their throughout the transformation. There are various possible fields in which former MSs could be employed or work as an alternative livelihood. There are possibilities in providing jobs in the agricultural sector. They could be provided training in maths or be provided with hands-on training. They can also work as fruit and vegetable sellers.

There need to be steps taken to improve the functioning of NSKC. The state government and municipal corporations must invest in modern machinery to save the poor workers' lives. More implementation of bio-toilets in the Indian railway coaches, so that automatically the manual work of scavenging eliminates from the system. There needs to strict implementation of law in the legal system to prohibit manual scavenging, and more tough laws need to be made. Special attention needs to be given in considering the life of these manual scavengers by providing better financial incentives and financial securities to them. Enrolling safai karma charis and their children above eighteen in skill training so that their next generation may have a better future and can be stopped from manual scavenging. Sensitizing about the hazard of manual scavenging.

The National Commission for Scheduled castes/tribes needs to be strict monitoring that state government put aside a specified fund for this purpose. Engrossment of non-governmental organizations (NGOs) and self-help groups (SHG) in funding any enterprise by them at a small level where the bank is unwilling to give loans. The issue with such work (and ensuing deaths) is that the activity of manual scavenging is prohibited by both international instruments and domestic law. International agencies such as UNICEF (as a water and sanitation issue), WHO (as a health issue), UNDP and the ILO have all criticized manual scavenging and have called for an end to the practice.

## **Conclusion**

As per the understanding developed after the studies, it may be concluded regarding manual scavenging that despite several initiatives taken by the governmental bodies, the predicament of manual scavengers has not shown much improvement and somehow remains on the same page. Though policymakers have taken many social welfare reforms and many other initiatives towards manual scavengers, the steps taken could not have been that efficient due to various reasons. MS remains solemn anxiety regarding the matters associated with human rights. Safaikarmchari finds it challenging to maintain the dignity of life because cleaning and sanitation are considered the lowest rung. The Constitution of India in the fundamental rights provides the right to life and personal liberty under article 21, which includes the right to live with dignity.

A lot needs to be done for Safaikarmchari so that the Constitution of India provides in the preamble that the justice Liberty equality fraternity shall be fulfilled. Manual scavenging has been prevalent in India as the worst form of untouchability prohibited by Article 17 as one of the fundamental rights. Sanitation is a subject of the state (state list) under schedule seventh of India's Constitution. Thus, it hampers uniform implementation of any such scheme by center, whereas states keep complaining about lack of funds for modernization and buying of machinery for smart sewer cleaning.

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