

“Manual Scavenging: Worst Surviving Symbol of Untouchability”

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“For them I am a sweeper, sweeper- untouchable! Untouchable! Untouchable! That’s the word! Untouchable! I am an Untouchable – Mulk Raj Anand, Untouchable (1935)

Mulk Raj Anand while writing his book more than 80 years ago criticised the rigidity of the caste system and its ancient taboo on contamination. Focalising the six thousand years of racial and class superiority and predicament of untouchability with a desire to carry the perpetual discrimination faced by people living in the periphery out in the larger world. The hope with which the author, who was a key founder of the All-India Progressive writer’s movement wrote this breakthrough 1935 novel, still largely remains a hope, as the practices of manually cleaning excrement from private and public dry toilets, open drains, gutters, sewers still persist. Haunting lives of millions in a nation, which since its independence in 1947 adopted legislative and policy efforts to end manual scavenging.

The practice of cleaning, carrying and disposing of human excreta from public streets, dry latrines, septic tanks and sewers using hand tools such as bucket, broom and shovel, is what is described as manual scavenging by International Labour Organisation which is termed as one of the worst surviving symbols of untouchability. The work of dealing with human excrement manually might seem an anathema to most of the people around the world but it is the only source of livelihood to thousands living in India even today. Jolting into trenches of septic tanks and choked sewers bare bodied with zero or minimal protection against their safety has led to death of millions asphyxiated by the poisonous gases. As per the official data six people have died every month in past five years cleaning sewers and septic tanks across India and 62,904 continue to earn a living from this nauseating and inhumane work, due to the lack of proper sanitation system and scavenging machines and also the urban bliss providing privilege to more than 60% of the country’s population to choke its dry and wet garbage into sewers without separating it. The cataclysm of the COVID pandemic is leading the world systems to collapse with more than 6 million people globally infected by the virus. When the entire world dread to even touch anything, sanitation workers are battling the virus on the front line with the jobs of disinfecting the houses of the people infected by the virus and breathing stench of choked gutters, making them most vulnerable to the virus. People involved in manual scavenging live on fringes of the society and die every day cleaning the filth without any protective equipment and the lives of these workers could be worst hit by the pandemic. Despite the fact that the practice has been outlawed under the Prohibition of employment as manual scavenger and their rehabilitation act of 2013 thousands continue to work risking their lives.

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Manual Scavenging and Caste Conundrum

Caste is the oldest and the worst form of social stratification in India. After 72 years of independence, which saw India establishing democratic institutions, striding in terms of economic development and aspiring to be a global power, the social, economic and political relations among people still depend on their caste status. India's stinking legacy of caste and manual scavenging find its roots in the thousands of years of old system which divides Hindus into rigid hierarchical groups based on the karma(work) and dharma (duty), categorising them into four main castes, Brahmins, Kshatriyas, Vaishya and Shudras.² The system relegates the vast majority of its population considered as 'untouchables' (known as Dalits) at the bottom, rendering them as out castes. People belonging to the out castes were obliged to engage in menial job of such as cleaning and disposing of human excreta manually by the virtue of being an untouchable. Our country has a dark history of practices of untouchability pertaining to systematic caste-based discrimination which is rooted in the system based on human inequality that enslaves an estimated 1.2 million people of India who belong of low strata of the Hindu society. Living on the fringes of the society with minimum sources of livelihood these people are forced into the lethal work of manual scavenging.

People engaged as manual scavengers are usually from Hindu-Valmiki sub caste, which is further divided into regionally named groups such as Chuhada, Rokhi, Mehatar, Malkana, or the Muslim Hela subcaste.³ Within the caste structure people from these communities are excluded from the social hierarchy and considered fit only for cleaning and disposing of human excreta of which 90% of people involved are women. Along with the caste effects, the job of manual scavenging comes with its gendered effects too. Women engaged in the practice face multiple forms of discrimination burdened with the responsibilities of taking care of the family and providing financial help altogether, they become vulnerable due to their gender, their Dalit identity and also being a manual scavenger. They have families involved in this work for centuries which they term as the *jagir*, considered as the family asset on which the coming generations has to hold on, especially women. Further in accordance with the Feudal caste and gender based customs, women who clean toilets in the private households generally 'inherit' the practice after they get married, termed as the *jajmani* system, for which they have little choice as it serve as the only source of livelihood to them, because they come from the poorest and most marginalised communities, where food and financial security raises a serious concern.⁴ People coming from these communities wishing to step out of the clutches of this system generally have little alternative to search for as are often denied other jobs because of the stigma attached to their caste. Report by 'Rashtriya Garima Abhiyan' of year 2014 suggest that the state of UP, MP, Bihar, Maharashtra, Gujarat and Rajasthan has the highest number of people engaged in the job of cleaning public and private dry latrines, sewers and gutters especially in the rural areas and face high levels of discrimination as are only allowed to live in separate enclaves with

² What is India's Caste, BBC India, June 9, 2019

³ Right to Dignity not for Manual Scavengers, London School of Economics, 4th Dec 2017

⁴ Cleaning Human Waste, Human Rights Watch, August 2014

deplorable living conditions, denied access to water sources and public places of worship, children often confront discrimination with being denied admissions to public schools, colleges and often denied jobs other than that of a sanitation worker.⁵

Other than Valmiki Hindus working as manual scavengers, Dalit Muslims from Hela sub caste are also occupied with this work ,who like the Valmiki communities are subjected to severe discrimination but in more critical way because are not included in the Schedule Caste and deprived of the legislations like SC ST Prevention of Atrocities Act 1989 and other schemes of government for Schedule castes including the SRMS (The Self-Employment Scheme for Rehabilitation of Manual Scavengers) due to lack of awareness and understanding among the local administration. Muslims sanitation workers therefore are subjected to dual discrimination, for being a Muslim and a manual scavenger depriving them of basic social and economic rights and most of all a life of dignity.

Legislative Efforts: False Promises and Failed Policies

Indian constitution outlaws the practice of untouchability under Article 14, 17, 21 and 23. The preaching and practice of untouchability was prescribed a punishment under the *1955 Act of Protection of Civil Rights*. But it was only in 1993 when *The Employment of Manual scavengers and Construction of Dry Latrines (Prohibition) Act* was passed that manual scavenging was made a cognisable criminal offence by imprisonment up to one year and fine of Rs.2000 subject to increase Rs.100 each day for continuing violations.⁶ The act proved out to be a dead letter, due to the failure of the government in its implementation as India has a federal structure of governance, the laws once enacted in the parliament is the responsibility of the state government to implement, which the state on its part fail to enforce and understand the scale of the problem.

Safai Karamchari Andolan, Bezwada Wilson as one of its founding members and national convenor, is an Indian human rights organisation that has been campaigning for the eradication of manual scavenging. Bezwada and SKA along with eighteen other civil society organisations filed a PIL in the Supreme Court in 2003 to completely declare manual scavenging as illegal and unconstitutional and requested the centre and the state governments to take required steps to eliminate the practice. In 2005, all the state governments and the ministries of central government were directed to file an affidavit within six months reporting the prevalence of manual scavenging, all the affidavits received six months later denied the pervasiveness of any such practice and reported that dry latrines has been converted into sanitary toilets and the rehabilitation of the remaining manual scavengers would completed within the coming years.⁷ Due to the remissness on the part of the government to fairly implement the existing the laws. On September 6, 2013, a new law was enacted by the Indian parliament fruiting the efforts of former manual scavengers and Dalit Rights Activists to

⁵ The Inhuman, Caste and Gender Based Sanitation Practice of Manual Scavenging in India, *Rashtriya Garima Abhiyan*, 2014

⁶ Manual Scavenging: A Stinking Legacy of Suffocation and Stigma, Down to Earth, 11 September 2018

⁷ The Inhuman, Caste and Gender Based Sanitation Practice of Manual Scavenging in India, *Rashtriya Garima Abhiyan*, 2014

widen the definition of manual scavenging and to strengthen the administrative mechanisms. *The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013* completely prohibits dry latrines and also outlaws all the manual cleaning of excrement from sewers, gutters, septic tanks without protective equipment. This new act unlike the Act of 1993 was a step ahead to correct the injustices faced by the manual scavengers providing workers and their family alternative source of livelihood, one-time cash assistance, scholarship to their children, housing and other legal assistances. However, the 2013 Act also leaves rehabilitation to be implemented under existing state and central schemes by local authorities. According to Ashif Shaikh, founder and the convener of the *Rashtriya Garima Abhiyaan*, though the act accounts for expanding the definition and promises rehabilitation but rules under the act are highly limited. He argues that the term rehabilitation does not even show up in the draft of rules.⁸ Further the act also fails to clearly define the term ‘protective gear’ as a reason worker might continue to work provided with only limited protective gears ex- just gloves.

According to the 2014 data from UNICEF and WHO 792 million people in India do not have access to proper sanitation system. In addition to the legislative efforts, administrative efforts through various schemes and policies have also not succeeded in transforming India’s Sewage disposal system and improved sanitation conditions. These schemes include the Integrated Development of Small and Medium Towns Scheme (1969), Sulabh Shauchalaya (simple latrines) Scheme (1974), the Integrated Low Cost Sanitation Scheme (1981), the Low Cost Sanitation for Liberation of Manual Scavengers Scheme, 1989, and the Total Sanitation Campaign, 1999, renamed Nirmal Bharat Abhiyan (Clean India Campaign).⁹ Also, BJP’s *Swacch Bharat Abhiyan* under Prime Minister Narendra Modi’s office proves be an irony, while moving towards the goal of clean cities and cleaner nation, people exclusively from the Dalit community continue to die of this lethal work. The efforts to promote the nation-wide campaign for cleanliness instead brings up the plight of manual scavengers under bright light but the sincere efforts on the both the legislative and administrative ground continue to kill hundreds every year.

In contrast to the government initiatives the directed efforts made by the civil society organisations is empowering individuals to quit manual scavenging. In 2002, *Rashtriya Garima Abhiyaan*, launched a campaign ‘Knock the door’ on 12th August 2013 at New Delhi, demanding total elimination of manual scavenging in Indian Railways.¹⁰ As openly known, Indian railways has the greatest number of dry latrines and employees the largest number of manual scavengers, it is the world’s biggest open toilet with accountability to the laws made for eradicating the practice, simply revealing the hypocrisy on the part of government efforts. *Rashtriya Garima Abhiyan* also started a 65 days *Maila Mukti Yatra* on

⁸ Cleaning Human Waste, Human Rights Watch, August 2014

⁹ Cleaning human Waste by Human Rights Watch, August 2014, p 31.

¹⁰ The Inhuman, Caste and Gender Based Sanitation Practice of Manual Scavenging in India, *Rashtriya Garima Abhiyan*, p 9.

30th November 2012 covering 18 states and 200 districts. During the yatra more 5000 women were freed from this evil.¹¹

Health Effects: Holding Fort Against COVID19

Manual scavenging involves serious health concerns. Rashtriya Garima Abhiyan submitted a report to UN in 2013 noted that manually handling of excreta can cause constant, headaches, fever, fatigue, asthma, gastroenteritis, cholera, typhoid, hepatitis, polio, cryptosporidiosis, schistosomiasis, eye and skin burn and other skin irritation, musculoskeletal disorders (including back pain), puncture wounds and cuts, blunt force, and trauma.¹² These conditions are exacerbated due to lack of effective protective gear. The lives of the sanitation workers are at high risk during this juncture because they don't have access to basic masks and gloves and other protective equipment. Critical conditions in which these workers live on a daily basis has now been worsened, they are continuously at the risk getting infected by the virus as it is the part of their job to disinfect the houses, streets, building and areas infected by the virus. Problems faced by these communities are permanently ignored by the government. Local authorities have a sever lack of understanding of the problems pertaining to work of manual scavenging and mistreatment towards them is a constant phenomenon. Stigma attached to their caste is the root cause of the mistreatment and discrimination faced by them. Due to lack of financial resources and deplorable living conditions manual scavengers these workers are often addicted to tobacco and liquor to beat their state of hopelessness. If infected by the virus there are only little chances for their bodies to recover as lack of immunity is the major concern.

Suggestions and Reforms

Manual scavenging is a legacy of suffocation and stigma which even after adequate laws continues rampantly. Identifying the caste-based discrimination and rectifying it by fairly implementing the existing laws can help in completely ending this anathema. Coordination between the centre and state governments can be helpful in order to eliminate the obstacles. Further properly identifying the people involved in manual scavenging since it was out lawed in 1993. Taking immediate steps at administrative level, effectively intervene to stop the forceful practice of manual scavenging. Also, there is a huge to need to shift from manual to technology, the stride in terms of technological advancement has seen huge growth in our country. However, still fall short of technology to completely eliminate manually cleaning of sewers, septic tanks, dry latrines. Switching to more advance means of cleaning and providing proper rehabilitation entitlements, adequate skill development and employment opportunities through schemes like MANREGA that are already in place and combined efforts of citizens, agencies and government altogether could uplift the lives of millions in country and eradicate this heinous practice.

¹¹ The Inhuman, Caste and Gender Based Sanitation Practice of Manual Scavenging in India, *Rashtriya Garima Abhiyan*, p 9.

¹² Cleaning Human Waste, Human Rights Watch, August 2104, p 21